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ABSTRACT

This handbook summarizes the legal obligations that public schools in Massachusetts have toward the state's children. It explains relevant state and federal laws and describes illegal but common school practices that can have a negative effect upon children. Primary emphasis is on informing the parents of school children about the legal requirements governing education in Massachusetts and on outlining steps parents can take to resolve particular problems that may arise involving the schools or school officials. However, the handbook is also intended to help prevent potential problems by providing school personnel and officials with a clear summary of their legal responsibilities. Because it deals mainly with state laws and requirements, most of the book will be of limited value to readers outside Massachusetts. Separate sections focus in turn on school attendance, discipline, and fees; school programs and services; educational issues and practices; and the general role of parents. The appendix lists agencies and organizations parents can contact for help and provides the names and addresses of important educational officials in Massachusetts. (Author/JG)

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New
Revised Edition

MAKING SCHOOL WORK

An Education Handbook for Students, Parents and Professionals

ED126582

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Massachusetts Advocacy Center 2 Park Square, Boston 02116, (617) 357-8431

The Massachusetts Advocacy Center was established in 1973 to address the failure of governmental human service agencies at the state and local levels to carry out their mandated responsibilities, and to maintain accountability to the public. The Center conducts its work as an independent public interest organization supported by contributions and foundation grants. It is non-profit and tax exempt.

The Center developed out of the Task Force on Children Out of School, Inc. It represents an expanded focus of that organization upon the administrative apparatus of state government and its failure to perform in the public interest. By monitoring the administrative process, the Center is able to direct the attention of policy makers, the public, and community/professional organizations to the unmet needs of Massachusetts citizens, particularly children.

Massachusetts is a leading state in the passage of progressive legislation, especially in the area of human services. Despite this legislative history, numerous state and local agencies fail to carry out their mandated responsibilities. This disparity between legislative mandate and administrative performance is a central governmental issue of the 1970s. Neither state agencies nor private organizations with a limited focus have proved to be adequate advocates in the face of an unresponsive administrative apparatus.

The Massachusetts Advocacy Center is designed to address governmental reform. The Center is unique in four ways: First, it undertakes advocacy in the administrative process. MAC does not concentrate upon new legislation, but the enforcement of existing statutes. Second, the Center is not limited to a single area of concern such as mental health or education, but focuses on the spectrum of human services and related administrative concerns. Third, the Center brings together under one organization persons from a variety of disciplines (lawyers, social scientists, educators, planners, laymen and generalists) to address critical public policy issues in the Commonwealth. Finally, the Center employs a broad range of advocacy tools to implement reforms: research and report writing, administrative negotiations, monitoring of governmental departments, litigation, public information and technical assistance.

The Massachusetts Advocacy Center is a countervailing advocate in the private sector designed to monitor and encourage regulatory and administrative agencies to perform their tasks in the public interest. The Center's work is concentrated in six areas: 1) the right to education, 2) special education, 3) child health, physical and mental, 4) protection of children used as research subjects, 5) the juvenile justice system, and 6) access to public information.

Massachusetts Law Reform Institute 2 Park Square, Boston 02116, (617) 482-0890

The Massachusetts Law Reform Institute (MLRI), operated by the Voluntary Defenders Committee, Inc., is a statewide legal resource center for low-income persons and for legal services lawyers. Its lawyers specialize in substantive areas of law and skills that are of critical concern to low-income people. They represent clients on matters which affect the interests of poor people generally.

MLRI is funded by the Community Services Administration of the federal government. Its funding responsibilities soon will be transferred to the Legal Services Corporation. MLRI's share of the research on the original version of this handbook was performed pursuant to a grant from the U.S. Office of Economic Opportunity, the predecessor agency to the Community Services Administration. The opinions herein should not be construed as necessarily representing the opinions or policies of any agency of the federal government.

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INTRODUCTION

"In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education."

Twenty years after the Supreme Court made this statement, many children in Massachusetts continue to be denied educational opportunities and services that are rightfully theirs. In the Commonwealth large numbers of children are prevented from attending school at all, while others who do attend are denied the benefits of programs and services required by state and federal laws.

For example, several thousand non-English speaking children who could attend school are still denied the right to do so. Similarly, many children with emotional problems or physical handicaps are not permitted to attend.

On the other hand, there are children enrolled in the public schools who, because of misguided, unfair, or illegal treatment by school officials, do not receive the educational programs which should be available. Often their education is little better than no education at all.

Many parents have only a vague idea of the obligation of the public schools to the children they are supposed to serve. Other parents know their legal rights but do not know what to do when those rights are denied to their child. This handbook is designed to tell parents, children, and professionals what rights children have under the public laws relating to education, and how to secure these rights.

The purpose of this handbook is threefold: First it describes the obligations which the public schools have toward the children in Massachusetts. It explains the laws, and describes common school practices which violate the law, and which can have a negative effect upon children. It also distinguishes between rights mandated by law and those programs or services which are optional with local school committees. (While the legal rights and protections discussed here pertain directly to public schools, many are relevant to children in private and parochial schools as well.)

Second, the handbook describes the steps which you can take to resolve a particular problem which may arise between you or your child and school officials. As you read through the handbook, you may discover that your school district fails to provide a program or service that could help your child to get a better education. In each case, an attempt has been made to describe things which

parents can do by themselves or in conjunction with others to assure your child every possible benefit.

Third, the handbook serves as a mechanism to prevent potential problems. Many teachers and school officials are unclear about their legal responsibilities. In describing legal obligations of the schools, the handbook can be used by school personnel and administrators as a general reference in their efforts to provide educational services to your child.

You may find, however, that some school officials refuse to respond to your efforts to secure the rights or services to which your child is entitled. In these cases, it may be necessary to obtain the help of an advocacy organization or legal services agency to force the school to comply with the law. The handbook points out situations when legal or other professional advice will be necessary. An appendix in the back lists agencies and organizations which you may contact to obtain help — most of the time free of charge.

The "perfect" school does not exist. The best educators will admit that many areas need improvement, and will make every effort to see that improvement is made. But they cannot do it alone. Although some teachers are experts in their field, parents are experts too — certainly insofar as their ability to recognize the capabilities and needs of their own children. For this reason, it is not only helpful but necessary that parents work to develop the best possible schools. Frequently, this may be done in cooperation with teachers and school officials. But in every school there will be times when changes must come in spite of school personnel. In either case, this handbook should help you to recognize the places where change is needed in order to insure that your child receives the educational benefits to which he or she is entitled.

SCHOOL ATTENDANCE/DISCIPLINE; FEES

CHAPTER 1

SCHOOL ATTENDANCE AND TRUANCY

Who Must Attend School?

In Massachusetts the law says that, with a few exceptions, every child between the ages of six and sixteen *must* attend school. (Children who are five or over sixteen *may* attend school if they or their parents so desire.) The compulsory attendance law can be satisfied in a number of ways. You might send your child to public school or parochial school. You could enroll him in a traditional private school or in an "alternative" or "free" school. Or you might work out an arrangement where your child goes to a public or private school in some other town. Any of these alternatives is legal, as long as the child attends school during the regular school year, and the school is approved by your school committee. Unless your child comes under one of the exceptions discussed below, however, you can be taken to court and given a small fine if you don't send him or her to school.

Included in the exceptions to the law is any child who:

1. holds an employment certificate issued by the superintendent;
2. is over fourteen, and has completed the sixth grade, and has written permission of the superintendent to work at home;
3. has a physical or mental condition so severe that it is impossible for him or her to attend school; or
4. is "otherwise instructed in a manner approved in advance by the school committee."

Two of these exceptions require further discussion. Although the law recognizes that children who have extremely severe mental or physical conditions don't have to go to school, another law qualifies that exception. It recognizes that most handicapped children *can* attend school. In effect, the law says that even though your child may have a physical or mental handicap, he or she must be educated. The law places a dual responsibility for the education of children: Parents must try to enroll their children; and public schools must provide an educational program for them.

However, the requirement that a handicapped child attend school (unless it is

absolutely impossible) does not mean, in practice, that he or she will be allowed to do so. The Task Force on Children Out of School found that handicapped children frequently are prevented from attending school. This practice is clearly in violation of state law, which says that *every* child has the right to attend the public schools of the town where (s)he actually resides. Furthermore, state law requires that special education programs be provided for children according to their needs. In September 1974, a new special education law became effective (see chapter entitled "Special Education Services") which states far more strongly than present laws that schools are responsible for educating all children.

The other exception, for children who are "otherwise instructed in a manner approved in advance by the superintendent or school committee", also requires further clarification. This provision could provide a valuable opening for the introduction of alternatives to forms of education currently available. It is not likely, however, that the school committee would approve a plan unless you could show that the child would receive an education at least equivalent to the one which (s)he could receive in public school.

A more practical application of this exception occurs when, for some reason, the child must be temporarily out of school for an extended period of time. For example, the child's parents may need to be out of town for more than a brief period of time, and circumstances require that the child travel with them. A plan by which the child could keep up with his studies during the trip, if approved, could prevent a violation of the compulsory education law.

In summary, the law requires all parents or guardians, with only minor exceptions, to enroll their children in school. This includes children who are physically or mentally handicapped. Similarly, the law places responsibility upon the school to provide adequate educational programs for children once their parents enroll them.

Enrolling your child

It is usually an easy procedure to enroll your child in school. In Boston, a pamphlet entitled *Your Child Begins School* is available from the School Department. The pamphlet details the procedures to be followed for enrolling a child in kindergarten or the first grade. Most other towns have similar pamphlets or print the necessary information in a local newspaper. Information about enrolling students at any grade level can be obtained by calling the superintendent or school district office. For this reason, the process will not be detailed here.

You should know, however, that your child will have to be immunized against diphtheria, tetanus, whooping cough, polio, and measles. In addition, innoculation for german measles and mumps are strongly encouraged but not required. (Smallpox vaccinations are no longer required.) Your child may not have to be immunized if a doctor says that it will endanger his or her health *or* if you object, in writing, on the ground that it conflicts with your sincere religious beliefs.

In a few situations, the school might try to refuse enrollment of your child. In most cases, this refusal is illegal. Some of the reasons for it, and what you should do about it, are discussed in other chapters of this handbook (for example, see the sections on "Discipline," "Bilingual Education," "Special Education," and "Pregnant Students"). If your child is not admitted ask the

school official to put in writing. He or she must do so. Then meet with the Superintendent of schools to see if a solution can be found. If this is unsuccessful, you should get advice from a lawyer, agency, or child advocacy group. State law says that a child cannot be excluded from or denied admission to a public school without a hearing before the school committee. Furthermore, penalties are provided when a child is illegally prevented from going to school.

Truancy

Once your child has been enrolled in school, he or she is required to attend regularly. The law recognizes that a child may not be able to attend school every single day of the year, and provides that cases of necessary absence may be excused. You can keep your child out of school if he or she is too sick to go to class, or when there is some other reason for which attendance on a particular day is impossible. School authorities are more likely to become concerned, however, when a child's absence is suspected to be for a reason which is not obviously justified — such as when a child "skips" school."

Truancy often is treated lightly by the students themselves and by their parents. Many children skip school occasionally, or at least consider the idea. Yet, disciplinary measures may be taken against children who repeatedly are absent from school without excuse. This could result in suspension or expulsion.

The most serious consequence of repeated truancy, however, is the fact that it can hide a more serious problem. When the problem is seen as being one of simple truancy, the underlying reasons may go undiscovered. Instead, they become more severe. This problem is made worse by the tendency of many school officials to respond to truancy with repeated punishment. Of course, this does nothing to remove the underlying cause.

If you learn that your child is habitually skipping school, try to understand and determine the reason for this behavior. More importantly, try to get help from an outside source. You should talk to your child's teacher, who may be able to identify some of the reasons for your child's behavior. Together, you might be able to work out a solution to the problem. (See chapter entitled "Teacher-Parent Relations".) You might want to ask that your child be referred to a "pupil adjustment counselor," whose job it is to deal with this kind of problem. Although school resources are far from adequate, the counselors often are successful in individual cases. If these steps do not seem to solve the problem, you should contact a child or family service agency, or the regional office of the state Department of Mental Health. Remember, however, that the "problem" may not be the child so much as the school. Some children don't need counseling so much as they need a better teacher or more relevant educational program.

Drop-Outs

Students who are frequently truant often become drop-outs. Essentially, the difference between a truant and a drop-out can be seen as a matter of age. In some cases before the student reaches his or her sixteenth birthday, frequent absenteeism may be evident. When the student reaches the sixteenth birthday and the compulsory attendance law no longer applies to him or her, then the student is free to leave school, and becomes a drop-out. Sometimes, however, the school does little to prevent a child from leaving and, in fact, in some cases may

even encourage it. School officials have been known to suggest that students "take a vacation" or "try working" for a while if they are perceived as not adjusting well to school. Such tactics should not be practiced since they avoid the fact that the reason for a child's leaving school often does not rest in the child, but in the school itself.

The state legislature in 1973 enacted Chapter 915, a law which deals with children leaving school. It is an important piece of legislation since it requires school officials to meet with and counsel students who consider dropping out of school. The law says that if a student is absent from school for fifteen consecutive days without excuse, an administrator of the school within ten days *must* send a notice to the parents of the child. The notice indicates that the parents can meet with the school committee or its representatives before the student permanently leaves school. The meeting must take place within ten days of the sending of the notice, unless the parents want an extension either to prepare for the meeting, or for some other reason. No extension for parents may be longer than fourteen days. The law requires that the meeting be a forum for parents and school officials to discuss the reasons for the student leaving school. More importantly, alternative educational or other placements should be considered at this meeting. The law thus underscores that it is still the school's responsibility to develop and offer suitable programs for these children so that they might remain in school. Parents should avail themselves of the opportunity to attend the meeting.

In addition, the law requires that the superintendent of every school district report each year to the state Department of Education the number of children sixteen or older who have left school permanently.

Children in Need of Services

In 1973, the state legislature enacted Chapter 1073, known as the "Children in Need of Services" (CHINS) law, which decriminalizes the so-called "status offenses." The old status offense classifications included truant, wayward child, stubborn child, habitual school offender, and runaway. The new law instead defines children in need of services. According to Chapter 1073, a "child in need of services" is:

1. A child below the age of seventeen who persistently runs away from the home of his parents or legal guardian, thereby resulting in the parents' or guardian's inability to adequately care for and protect the child (runaway under old law), or
2. A child below the age of seventeen who persistently refuses to obey the lawful and reasonable commands of his parents or legal guardian, thereby resulting in the parents' or guardian's inability to adequately care for and protect the child (stubborn child under old law), or
3. A child between the ages of six and sixteen who persistently and willfully fails to attend school or persistently violates the lawful and reasonable regulations of his school (truant and habitual school offender under old law).

Chapter 1073 is intended (1) to provide appropriate services for the problems listed above; (2) avoid the consequences of labelling children; and (3) prevent incarceration of these children with more serious offenders.

Chapter 1073 establishes a non-criminal proceeding in the juvenile courts and District Courts to establish whether or not a child is in need of services. Applications for petitions to start court proceeding must be filed with the clerk of the court. Parents and guardians of a child, or a policeman, can submit an application if the child is thought to be a runaway or stubborn child. When the child is seen to be a truant or habitual school offender, then the school supervisor of attendance can file an application.

When the clerk receives an application for a petition concerning a child who has not been arrested, the clerk should then:

1. set a date for the hearing to determine if the petition should be granted;
2. notify the child in question; and
3. ask the probation officer in charge if he thinks the petition is necessary for the well-being of the child.

Having obtained the probation officer's opinion, the judge can hold the hearing and either:

1. not issue a petition because there is insufficient reason to think that the child is in need of special services;
2. not issue a petition because informal help seems better suited to the child's problem than a formal, non-criminal trial to decide if the child is actually in need of services; or
3. call for a non-criminal trial to decide if the child is in need of services.

However, if the child has been arrested, the petition must be issued if it has not already been issued, and the probation officer can make an immediate, preliminary determination of whether informal means should be used to help the child instead of the more formal trial procedure. Depending on what is found in the initial determination, the judge can decide to hold a hearing or trial to see if services are needed for the child.

You should be aware that the child has a right to be accompanied by an attorney or advocate during all these proceedings. The advocate must be a lawyer if a trial is held. The judge will appoint an attorney if the child or the parents are unable to afford one.

If the child is referred to a probation officer for assistance, probation can refer the child for agency services and conduct counseling conferences with the child and family. A child or the parents however cannot be made to attend any conference or produce papers. But the law says that the child and parents should participate in good faith, or a petition may be signed for the non-criminal proceeding to begin when the probation officer certifies in writing that child and/or parents have not participated in good faith.

When a child is called to appear at the non-criminal trial to determine if he or she is in need of services, both the child and the parents or guardian may be sumoned by the judge. A summons requires that the child and parents or guardian appear before the court. If the child does not appear for the trial on the designated date, the judge can then issue a warrant which requires that the child be brought to the court.

Once in court, if the judge decides that the child is in need of services, the judge can:

1. allow the child to remain at home with the parents and receive the special services which the judge decides are needed; or
2. place the child in care of:
   a. a relative, a probation officer, or other qualified adult, or
   b. an authorized private organization or child care agency, or
   c. another private organization which is found to be qualified to care for the child.

It is important to note that under *no* circumstances can the child be referred to an institution or training school for juvenile delinquents. But a group home is a possible placement under the law. It is also important to note that a child in need of services can *appeal* the first judge's decision to the District Court for a new trial if the results of the first one are unacceptable to the child or family. This new trial would, like the first, be a non-criminal proceeding.

In addition, the court has jurisdiction over the child until he or she reaches the eighteenth birthday, unless initially referred by the attendance officer. In this case, jurisdiction can last only until the sixteenth birthday. If a child is found to be in need of services by the judge, then the county in which the court sits should pay for any services for the child.

Chapter 1073 was intended to be an improvement in the treatment of juveniles with special needs. However, the legislation has created as many problems as it has solved. It has drawn concerted criticism by child advocacy organizations and other groups. One of the major problems is in the definition of "children in need of services" itself. Many parts of this definition are vague and subject to broad interpretation by law enforcement officials. Such interpretations may be detrimental to your child. For example, a child in need of services by virtue of running away from home may be arrested if it is felt that he or she will not respond to a summons. But the clerk of court or the police are given no specific criteria by the law to determine whether the child will or will not come. As a result, a child can be arrested without having committed an offense, when the person in charge *thinks* that he or she will not appear for the hearing. The possibility for this kind of arbitrary action exists in other aspects of the legislation as well.

A major criticism also has arisen since children are now being referred to the juvenile courts for assistance. The problem here arises in that the courts have not always been able to adequately meet the needs of young children. The mere presence in court and the experience there is often enough to affect a child detrimentally. By bringing the child to court, some think that he or she is a delinquent or a criminal.

If your child is referred for services under the CHINS law, you may want to contact an advocacy organization or an attorney for questions or assistance. Consult Appendix C or Appendix D in the back of this handbook for legal aid and advocacy group references.

Attendance Officers

Every school district is required to appoint one or more "supervisors of attendance," or "truant officers," as they commonly are called. It is their duty to encourage all school-age children to attend school as required by the compulsory attendance law. If your child is absent from school and the principal suspects

that the absence is unwarranted, or if your child is found on the streets when he should be in school, you may be faced with an investigation by the attendance officer.

If this should happen, and you are visited by the attendance officer, cooperation is usually the best tactic — it is more likely to lead to a discovery of the reasons for your child's absence, and may prevent more serious charges being made. Remember, however, that the attendance officer cannot *make* you answer his questions if you want time to think about them or ask for advice. Nor do you have to let him into your home if, for some reason, it is not convenient for you.

You should also be aware of the fact that some attendance officers use various kinds of threats in dealing with parents and children. In 1969 the head of the Boston attendance department admitted to members of the Task Force on Children Out of School: "You've got to cajole or threaten. We tell parents we'll take them to court or we'll stop their (pay) checks. It's not legal of course, but we tell them that anyway." These tactics *are* illegal. Tell him that you want to help solve any problems, but that you cannot help when he is threatening you. You might want to ask him to come back at a later time. Then try to have a friend with you so that he will be less likely to try to intimidate you.

Many attendance officers, while relatively untrained in dealing with problems of children, are conscientious. They may be useful in helping parents and children deal with specific school-related problems.

Summary

Children in Massachusetts who are between the ages of six and sixteen are required by law to attend school unless certain specified circumstances exist. Parents are responsible for the attendance of their children. The schools have a reponsibility to educate all children who come to school. Moreover, children who are over sixteen have a right to attend school until the age of twenty-one, though they are not compelled to do so by law.

Failure to attend school, unless exempted, can result in a charge of child in need of services being filed against the child. Each school system has attendance officers who check on the non-attendance of children in that district.

CHAPTER 2

SCHOOL DISCIPLINE (Including Suspensions and Expulsions)

Most parents agree with the idea that school officials must maintain a standard of discipline in the classroom in order to promote learning. Disruptive behavior, whether by students just "having fun" or by those who are very upset, must be limited. It is commonly accepted, therefore, that the schools have the right to set some standards for student behavior.

It is also recognized that some school systems set standards for behavior that are unfair or illegal. Or, in other instances, school personnel do not follow their own rules and they punish students arbitrarily. Because schools must set standards, and because those standards must be fair and be followed, it is important that all parents understand several aspects of school discipline. The following pages discuss five general areas of school discipline:

1. What authority do schools have to discipline students?
2. In what instances can children be disciplined?
3. What types of disciplinary measures can be taken?
4. Rights of Students and Parents in the Discipline Process
5. What should a parent do if his or her child is punished?

It is important to remember that the entire area of school discipline is changing. Many parents have challenged school authority and disciplinary actions successfully in the courts. Unfortunately, some courts have ruled differently on similar issues. In reading the following discussion, try to keep in mind that these issues may continue to change somewhat. Nevertheless, these points will be helpful in your efforts to see that discipline is enforced only when it is warranted, and that it is done fairly.

What Authority Do Schools Have to Discipline Students?

By state law, school committees have general charge of all public schools. This means that school committees have the power to pass reasonable rules and regulations regarding student discipline and educational procedures. In order for a rule to be reasonable, it must be related in some way to the educational functions of the school. For example, a rule which says that boys cannot have

long hair is not related to the students' ability to learn or the ability of the school to teach. Therefore, it is unreasonable and illegal for a school to have such a rule.

School rules also must be constitutional. The U.S. Constitution forbids government interference, including interference by schools, in certain areas. An example of an unconstitutional rule would interfere with the students' constitutional rights of freedom of speech and a free press.

Similarly, a school rule may be legal under state law. A school could not have a rule which says that a student can be spanked for misconduct since there is a state law which applies to all public schools that prohibits the use of corporal punishment.

Although the authority to discipline students is given to school committees, a committee can delegate its authority to teachers and school administrators. This means that a teacher, acting in behalf of the school committee, can take action designed to maintain student conduct. However, serious types of punishment, such as exclusion from school, must be approved by the school committee and must follow strict procedures which safeguard the rights of the child.

School officials do *not* have authority to punish students for their activities, even unlawful activities, which take place independent of the school. For example, school authorities cannot punish a student arrested for some activity on a week-night. School authority extends only to activity in school, on the way to or from school, or at school-sponsored functions.

In What Instances Can Children Be Disciplined?

School rules regarding student conduct and discipline *must* be written up in a Disciplinary Code which describes what students can and cannot do, and what procedures must be followed when a student is accused of misconduct. By law, each school system must publish and file this code with the state Commissioner of Education. Since no rule or regulation is in effect unless it has been so filed, a child cannot be punished by school officials unless this has been done. Punishment, without filing rules and regulations with the state, is illegal.

There are two partial exceptions to this. Some forms of minor misconduct need not be specifically mentioned in the Disciplinary Code if there is a general rule which covers the situation. For example, a student who repeatedly walks around the room talking to other students while class is in session might be punished under a rule which prohibits disruption of class. If a general rule of this type is used as authority to punish a student, however, it must be clear from the wording of the rule that the conduct in question is covered.

The other exception occurs when a student's conduct could cause injury to another person or to school property. Under these circumstances, school officials may take steps to prevent injury from occurring even though the conduct is not explicitly prohibited by a school rule. The action taken by the school can be only that amount required to prevent injury; if the action is punishment, as opposed to a preventive measure, the student's conduct must be covered by a rule in the Disciplinary Code.

Any parent or citizen has the right to be given a copy of the Disciplinary Code by the local school system. You may ask the principal of your child's school for a copy, or the Superintendent of Schools. In no instance can your request legally

be refused (see chapter on "Access to School Records"). Additionally, every child should be given a copy of the Code at the beginning of the school year.

What Types of Disciplinary Measures Can Be Taken?

The most serious kinds of legal and illegal disciplinary measures are discussed below. Keep in mind, however, that any interference with a child's right to attend school must be reasonably related to the seriousness of his or her conduct. For example, a student cannot be expelled from school for committing a minor offense, such as being in the halls without a pass.

CORPORAL PUNISHMENT: Corporal punishment of students may not be utilized under any circumstances. It is illegal. A child who is slapped, hit, or spanked can sue the persons responsible and, if successful, can be awarded money damages by the court. The law might apply to other uses of physical force for disciplinary purposes as well. In Boston, for example, the Code of Discipline provides that:

> An administrative head, teacher, or other school employee may use reasonable and prudent force or restraint for the purpose of maintaining order, safeguarding the persons of pupils and school employees, or removing an offender. Without in anyway limiting the foregoing, no school personnel may use physical force with a rattan or otherwise for the purpose of inflicting punishment after a student has ceased engaging in misconduct.

Thus, only that degree of force demonstrated to be necessary in the specific circumstances, with consideration given to the seriousness of the student's conduct, is legal. For example, a teacher could restrain or hold a student involved in a fight in order to stop it, but not one who is merely engaged in a loud argument. Similarly, a teacher could not drag or carry a student out of the room when the student was willing to leave on his own. Since the exact limits have not been established, however, it is not entirely clear when a teacher can or cannot use force against a student. It *is* clear that school personnel do not have the authority to hit, whip, spank, or slap your child, *under any circumstances*.

If your child complains of physical abuse or mistreatment by school officials, you should question him or her carefully about the incident. If you have doubts about the actions, request a meeting with the principal of the school and ask him to investigate the situation. Before talking with him, try to determine whether any witnesses saw the incident. At the same time, you should state your complaint, in writing, to the superintendent of schools (see Appendix A, in the back). You might decide to ask the superintendent to hold a hearing at which you and your child can tell his or her side of the story and at which time any witnesses can be heard. Although he is not required to hold a hearing, the superintendent should agree to do so if the matter seems serious enough. After that, if you are not absolutely convinced that the teacher's action was justified, or that school officials have fully investigated the incident, you should consult a lawyer or parents advocacy group. Remember however, that you are the best advocate your child has!

Although corporal punishment is no longer legal in Massachusetts, other types of serious disciplinary actions *are* permitted. These usually take the form of exclusion of the child from class for varying periods of time. The most common kinds of exclusion follow.

IN-SCHOOL EXCLUSION: This occurs when the student is sent out of the room while class is in progress. The student may be made to sit in the hall, or in the principal's office. Some schools have a special classroom where students are sent for punishment. This is the least serious form of exclusion. It should not be considered minor, however, since it can cause the student to miss a test or important lesson. In-school exclusions should not last longer than one day. Be sure that your child is not transferred to a "special class," "resource room," or some other situation instead of his or her regular class. (This is an improper use of special programs. See chapter on "Special Education").

DETENTION: Detention is the practice of making a student stay after school as punishment for misconduct. Technically, it is not a form of exclusion since it does not cause the student to miss any classes. It is closely related, however, since it involves a school-imposed restriction, for disciplinary purposes, on where and how the student spends his or her time.

DISCIPLINARY TRANSFER: This is the practice of transferring a student to a different school as a form of punishment for his or her behavior, or because school officials refuse to deal with the needs of the student. In either case, the effect is the same. Since no two teachers cover the same material in the same manner, any forced change of schools can cause serious disruptions in the student's educational progress. The disruptive effect of a disciplinary transfer can be increased by the student's natural desire not to leave his or her friends and surroundings.

If the principal wants to transfer your child to another school, he must inform you of that fact and the reasons for it. School officials may try to get you to consent to the transfer by telling you that the change is for the good of your child. Don't agree to the transfer unless you *and* your child feel that it represents the best alternative. If you consent to a disciplinary transfer, you give up any right to challenge the action later. Furthermore, disciplinary transfers represent a way for the school to be free of a problem without trying to solve the reasons for it. The transfer might help school personnel by making their job easier, but in many circumstances it will do nothing to help your child.

"INFORMAL" EXCLUSION: In some school systems the most common form of punishment is what has come to be known as an "informal exclusion". This occurs when a student is simply told to leave school. He is not told when, if ever, he will be allowed to return. Often, no record is made of the action nor are the parents officially informed. This practice is illegal.

Some children who are suspended in this way don't tell their parents what has happened and find other things to do with the time when they should be in school. The parents think that their child is still going to school as before. If you learn that it has happened to your child, call and write to the principal and get all details of his action. Ask him if your son or daughter will be allowed to return to school the next day. If he says no, you should meet with him and find out what must be done to get your child back into school. If it appears that he is unwilling to discuss the matter, or if he says that your child cannot come back, you should write to the superintendent, explain what has happened, and request that a hearing be held. (Refer to part 5 of this chapter.)

SUSPENSIONS AND EXPLUSIONS: A suspension is one of the most serious and frequent measures used against students in school. It is the act of forcing a child to leave school for periods of time which may range from the

remainder of the day to three days, or even ten or more. Suspensions frequently are done by the principal or someone he or she appoints such as an assistant principal. It is a serious action because your child misses school and because the action may appear on the student's record, thereby damaging chances for future employment or acceptance to other schools. Another reason that suspensions are so serious is that they provide an easy mechanism to get "rid" of the student without dealing with the child's needs — or the way the school is meeting them.

An expulsion is a formal suspension whereby a student is kept out of school for a set period of time. It may last part of a semester or permanently. A student can be expelled only by the school committee. Expulsion is even more harmful than suspension, as a general rule, due to the formal and possibly permanent nature of the procedure. Because of the seriousness of these two practices we will consider next certain limits placed upon school officials by the legislature and federal courts in regard to their use.

In 1975, in a case called *Goss v. Lopez*, the United States Supreme Court ruled that a student is entitled to due process before a suspension can take place. "Due Process" is guaranteed to each citizen — including children — under the 14th amendment to the Constitution of the United States which says that no state can "deprive any person of life, liberty or property, without due process of law." "Due process" itself simply means that before any action is taken against your child in school, he or she *must* receive some kind of procedural rights such as those described below which now have been established firmly by the courts.

In the *Goss* decision, the court spoke directly about suspensions of *ten days duration or less*. It ruled that before a suspension of this length can take effect, a student must receive:

1. a written or oral notice of the charges,
2. an explanation of the facts which led to the charges, and
3. a chance to present his or her side of the story

These rights of due process are required unless the student's presence in school "poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process." Requiring that a procedure be followed helps assure that all the facts of a possible suspension situation will be examined closely before any disciplinary steps are taken.

Thus, the *Goss* decision means that your child is entitled to the above mentioned procedural rights *before* a suspension of ten days or less is imposed by a school official. By requiring these steps prior to suspension, there is less chance of your child being kept out of school for something that he or she did not do, and less chance that a school official in the heat of the moment could suspend your child for a trivial action. For school officials, the court decision underscores the view that except in especially violent or disruptive circumstances, *suspensions should only be used as a last resort* and then only after the facts in a particular situation have been carefully measured and evaluated.

The *Goss* decision has implications for other forms of school exclusion. It says that in "unusual" suspensions of ten days or less, more formal procedures may be involved. An "unusual" suspension situation may be one in which all the facts cannot be resolved through informal conversation, or when suspension of your child from school could have particularly detrimental consequences. Such

a formal procedure might be a hearing in which you and your child can present witnesses, cross-examine school officials, present written testimony, and/or be represented by a friend, advocate or attorney.

The *Goss* decision also addresses itself to long-term suspensions (over 10 days, and expulsions) saying that more formal procedures are required here as well. But the court decision does not specify what these procedures must be. However, most lower courts have dictated in similar cases that certain procedures should at least be followed. These procedures are discussed in the next section.

Rights of Students and Parents in the Discipline Process

Fairness requires that certain procedures be followed when the school decides to punish a student. As the punishment becomes more severe, it is more important that the school follow clear, written procedures in order to be fair. In other words, as the possible punishment gets more serious, the right of the child and parents to procedural safeguards and protections also increases.

With one or two exceptions, state law does not spell out disciplinary procedures clearly. Furthermore, Massachusetts courts have been reluctant to say what the schools are required to do, particularly with respect to less serious types of punishment. The result is that there are major differences between school districts in terms of the procedures which are followed when a student is excluded from school, and even differences as to which particular behaviors are punishable. This means that there is a disparity and potential inequity regarding discipline procedures generally in the Massachusetts public schools. Yet, some schools have very good disciplinary codes. *If* school officials follow the step-by-step procedures required by the code, a student can be assured of relatively fair treatment. On the other hand, the student handbooks for certain cities and towns contain unsatisfactory procedural protections and the handbooks for still others list no procedures at all.

You will have to determine for yourself just what rights have or have not been recognized by your school committee. Some schools may have rules about disciplinary procedures which are not contained in a handbook, even though state law requires that they be printed and available. If enough printed copies are not available, you still have the right to see the rules, and to be allowed to copy them. Ask your principal for the rules and regulations pertaining to student discipline and procedures for hearing and appeals. Remember, however, that the rules are not legal unless they have been filed appropriately with the state Department of Education.

Individual schools may have disciplinary rules which apply to that school alone. Your child should have been given a copy of any such rules at the beginning of school. Ask the principal of the school to provide you with a copy of the school rules about discipline. In no instance may rules of individual schools be contrary to rules of the school system or to state laws and federal court decisions.

As mentioned earlier, the lower courts have made significant rulings on the specific procedural rights to which students are entitled in cases of *long-term suspension or expulsion*. In most cases, the procedural rights of the parents and students will coincide. You should know that the schools may not always grant

you these rights without your insistence. You may have to press school officials vigorously in order to obtain them. However, the law is on your side since the itemized rights which follow have at one time or another been granted to students and parents seeking fairness from the schools in disciplinary proceedings. Unfortunately, while these stricter protections would be helpful for students faced with short term suspensions, currently they are not necessarily applicable for suspensions under ten days unless the local code of discipline requires them. The rights include:

1. Your right to notification of the charges. In *any* disciplinary action (even those in addition to long-term suspension and expulsion) the school *must* inform you or your child of the charges against him, including the rule which he is supposed to have broken. If the possible punishment is expulsion, or long-term suspension, you *should* be notified in writing. If punishment is less severe, you still should be notified — probably in a conference or by telephone.

The notification *must* be specific. School officials cannot merely say that a student was disruptive. They must tell you when and in what way the disruption occurred, and the nature of the proposed punishment. If the school's proposed action is serious, you may want to have a hearing (see Item 3 below).

2. Your right to be notified in writing of *all* of the evidence against your child. This should include the names of any witnesses to the incident. If the case is going to result in a school hearing, you should also be allowed to inspect, in advance, any documents or written statements which will be used against your child. This notification should be made automatically in cases where the possible punishment is a major one, such as expulsion or long-term suspension. For the lesser punishments, schools ought to give this information if you request it.

3. Your right to a hearing and to adequate time to prepare for it. A hearing is an attempt to determine what actually happened and whether punishment should be imposed. Although its purpose is in many ways similar to that of a trial, it is conducted in an informal manner without most of the strict rules governing conduct in a court. Each person who testifies should state, in his own words, what he saw or knows to be true. Occasionally, the hearing officer or one of the other people present may interrupt to ask a question, but when this happens it should be more like a conversation between two people than like the questioning of a witness in court.

After school officials tell why they feel that your child should be punished, you should have a chance to question them. You may tell why punishment would be unfair. For example, it might be the case that it was really another student who broke the rules, or that the rules did not cover what your child is accused of, or that your child's behavior was caused by a teacher. After both sides have had a chance to speak, the hearing officer then may decide whether or not your child should be punished.

You should be given the opportunity for a hearing *before* your child is suspended or expelled. (If the suspension is an emergency — that is, to protect people or property — a hearing should be held immediately after the suspension occurs.) In cases of extremely serious charges which may result in expulsion from school, you *must* be given the opportunity for another hearing, this time before the school committee. (See Number 9 below.)

4. Your right to an unbiased hearing. You should have the right to a hearing which is conducted by fair and impartial people. At the very least, this means that the hearing officer(s) should not have participated in the investigation of the case, or otherwise have a personal stake in the outcome of the case. For example, a school principal probably is not an unbiased hearing officer when the case pertains to the involvement of a teacher and child in his or her own school. When the school committee itself conducts a hearing for an expulsion, it *must* be conducted fairly, and without prejudice against your child or indifference to his or her rights.

5. Your right to counsel. You (the student and/or the parents) *must* be granted the right to be represented by a lawyer or some person of your own choice in suspensions of longer than ten days. This may be a friend, an agency representative, or any other person.

6. Your right to confrontation and cross-examination. You should have the right to be present when witnesses testify against your child and to ask those witnesses questions about what they have said. You should be told the person's name and position at the school. You should have these rights in cases of possible expulsion or long-term suspension.

7. Your right to present a defense. When a hearing is held, you *must* be allowed to present a defense to the charges against your child, and to have the hearing officer listen to witnesses who could help your case. Again, you should have this right in expulsion and long-term suspension situations.

8. Your right to a written decision. You should have the right, once a decision has been reached, to be provided with *written* findings and conclusions of school officials. This is important because it lets you know exactly what has been decided and why, and because it is needed for the record if you decide to appeal.

9. Your right to appeal. This is the process by which a disciplinary decision is reviewed by a higher school authority or by a court. The judge or school official can approve the previous action, reduce the punishment, or find that the original decision was wrong.

You should be allowed to appeal any disciplinary decision to the school committee. (If the original decision was made by the principal or a teacher, you would appeal first to the superintendent.) Write to the chairman of the school committee and tell him that you believe the original decision was wrong and that you want the committee to review the case. In major cases, you should insist upon a hearing. Follow-up all phone calls with a letter in which you repeat your request and state the reason. Remember to put everything in writing, keeping a copy for yourself (see Appendix A).

You can have the case reviewed by a judge if it appears that school officials have acted illegally or unconstitutionally. An important difference between this and an appeal to the school committee is that a favorable court decision can affect students everywhere — an appeal to the school committee affects just your child. You can go to court if one of several things happens: (1) if the school committee punished your child illegally or unconstitutionally, such as refusing to follow fair procedures, (2) if the school committee approves illegal punishment imposed by some other school official, such as punishment out of proportion to the charge, or (3) if the school committee refuses to review illegal punishment imposed by a school official. If you feel strongly that your child has been

punished unfairly, and no school official will help you, you should consult an advocacy organization or a lawyer about the possibility of legal action. However, keep in mind that court action only should be used in serious cases, and only as a last resort.

You also should ask school officials to pay to tape record the proceedings at a hearing. This can be important because it provides a record of what went on in the hearing should you decide to appeal the case to the courts. You should have access to the tape at any time, or be able to make a copy of it if you need one. Of course, if you record the proceedings yourself, you will have the tape yourself.

Another Supreme Court decision in 1975 (*Wood v. Strickland*) makes it possible for you and/or your child to receive money damages from the school committee if the school committee violates your child's constitutional rights (for instance, by refusing to grant your child the basic procedural rights granted under the *Goss* case). This compensation would have to be received after a court ruled that your child's rights were indeed restricted. Also, a Massachusetts state law says that a school committee can be ordered to pay money to a child who has been unlawfully excluded from school.

What Should A Parent Do If His Or Her Child Is Punished?

You should make it clear to the school, in advance, that whenever your child is punished you want to be informed of the reason and the kind of punishment. Do this at the beginning of school, *before* your child gets into trouble. Similarly, school officials *must* notify you *in advance* of any serious disciplinary action taken against your child.

Try to be as co-operative as possible, so that any behavior problems can be taken care of before they become serious. But let your child's teachers know that you expect co-operation from them as well, and that you can work with your child in the home only if the school is willing to work with you. Often it is possible for the school and the parent to decide together how to handle a disciplinary problem.

You *always* have the right to meet with school officials to discuss disciplinary actions taken against your child. In any case where your son or daughter is repeatedly sent from the classroom or kept after school, or in cases of more serious punishment, you should meet with the child's teacher and the principal. If you think that your child does not deserve the punishment, or otherwise is being treated unfairly, you should try to get the teacher to understand why you feel that way. You might be able to arrive at a mutually agreeable solution.

If the situation cannot be resolved, you should write to the superintendent, (See Appendix A). Tell him when and how your child was punished, your understanding of why the punishment was given, and why you feel that the action taken was unfair. At the very least this will ensure that there is a record of your complaint, and it may cause the superintendent to investigate the incident. If this does not lead to satisfactory results, you should try to follow the advice in the next section.

One final note: it is a good idea to put *everything* in writing, keeping a copy for yourself, when dealing with school officials regarding possible discipline of your child. Letters serve to verify dates, conversations, and actions which may be useful at a later time.

School officials should put their statements to you or your child in writing. They must do so if you request it of them. If they do not describe their actions, and the reason for them, in writing, you can. There are two ways:

1. Suppose your child was disciplined at school in some serious way — suspension, expulsion, and you were not informed in writing. You should write to the principal, sending a copy of the letter to the Superintendent, confirming the action:

"Dear Mr. Doe: This is to confirm the fact that on (date), you (or the teacher's name) disciplined my child in the following way . . . (describe it). As a result, I am requesting . . . (conference, hearing, etc.)."

2. Suppose you have conversations with school officials which you want to have in writing:

"Dear Mr. Doe: This is to confirm our conversation of (date), regarding Johnny's suspension (or whatever discipline) from school.

You stated that he cannot return to school until (date); and you refused to meet with me (or agreed to meet with me), to hold a formal hearing into this matter."

In each of these situations you then have a written record of events which describe the action of school officials in case you wish to appeal their action and/or go to court. (How to write to school officials is more fully discussed in Appendix A.)

Summary

There are a number of things which you can do when your child is punished or threatened with punishment. You and your child have certain rights which affect the way that punishment is imposed. These things include the following:

1. You have a right to see and copy all school rules pertaining to discipline.
2. School officials can punish your child only when he or she violates a fair, written rule which has been filed with the state Department of Education.
3. Punishment can be imposed only when it is done fairly. This means, at least, that school rules about discipline must be followed. It also means that punishment cannot be out of proportion to the offense.
4. You have a right to meet with your child's teacher and/or principal at any mutually agreeable time. You should exercise this right whenever your child:
   - — has been unfairly punished.
   - — has been repeatedly punished.
   - — has received a serious form of punishment, such as expulsion from school.
   - — tells you that he or she is having problems at school.
   - — any other time that he or she is having problems at school.
   - — any other time that you learn of any kind of problem which you think might be helped by talking to your child's teacher or principal.
5. If a problem cannot be resolved by talking to the principal and/or teacher explain the difficulty, in writing, to the Superintendent. Ask him to investigate. If you are dissatisfied, ask for a formal hearing.

6. Your child cannot be excluded from school permanently or for a long time unless the school committee has conducted a fair and impartial hearing. You may demand a hearing in any other situation where your child has been seriously punished in any manner.

7. You must be given certain rights when the school committee punishes your child. There are other rights which you should demand for the sake of fairness.

8. You should appeal any unfair or illegal disciplinary decisions to the school committee. You then have the right to appeal any decision to the courts.

As more parents exercise rights pertaining to their children, arbitrary and illegal practices in schools will become apparent, and possibly diminish. Remember two things: First, your child's future is affected by actions of school officials. Second, no *responsible* school official will discourage you from exercising the rights discussed in this chapter. They are in the interest of your child.

CHAPTER 3

SCHOOL FEES

It is usually taken for granted that children living in a particular city or town can attend the public schools of that town without cost. In one sense, this is true — in Massachusetts, a public school can't require students whose parents are residents of the town to pay tuition. Furthermore, state law requires each school committee to purchase books and other school supplies which are loaned to the students free of charge. As a parent, however, you may have found that your child cannot go to school with absolutely no additional expense to you other than your taxes.

When Can a Public School Charge Tuition?

Although a public school *cannot* charge tuition for students whose parents live in the town, there are two situations where such a charge can be required.

Since public schools are supported primarily through taxation of the citizens of the town where the school is located, the law allows a town to be paid for educating children who are not residents of the town. If your child attends school in a town other than where he lives, the town may collect tuition in an amount not greater than the average expense per student spent for children in that town. Depending on the circumstances and the reasons for the child's attendance in another town, this amount may be paid by the federal government, the state or local government, or the parents. For example, a child might attend special education or bilingual classes in a town other than where he lives. In these cases, the tuition would be paid by a combination of state and town funds where the child's parents are residents.

If your child lives in a town other than your legal residence solely for the purpose of attending school in that town, the town might require you to pay tuition. If it wishes, however, the school committee can waive part or all of this tuition charge. Boston policy, for example, enables any student who establishes that he actually lives in Boston to attend Boston schools without payment of tuition even if his legal guardian lives elsewhere.

To establish actual residency in another city, it should be sufficient if the student states that he has a permanent address there, has no present intention to leave, and is not residing there only for the school year, or for the sole purpose of attending the public school.

Are Public Schools Really Free?

Even if you are a resident of the town where your child goes to school, you have probably discovered that there are fees which must be paid if he or she is to receive or participate in certain benefits of a public school education. Children also may be asked to buy their own supplies or bring them from home. These fees might be compulsory — that is, your child *must* pay them if he is to be allowed to go to school and graduate. Or they may be optional, in that your child has a choice of whether or not the activity should be taken advantage of.

There may be wide variations from town to town as to what services and materials are to be provided free of charge and what will be provided only upon payment of a fee. Your school might require that your child pay for such things as laboratory and shop fees, towel service, locker rent, activity fees, band instruments, graduation expenses, gym clothes, and materials and supplies for a class. Classes such as sewing, shop, and art are likely to require payment of a special fee since they are usually optional courses and also require a large amount of supplies not needed for a class which is strictly academic in nature.

If you or your child cannot afford the fee, however, there is no choice to be made. Instead, your child is prevented from receiving a school benefit which is available to other children. The effect of these costs is to place a financial burden on you. Failure to pay one of these fees, at the least, can prevent a student from taking a class which he wants very much to take, and might lead to pressures, failing grades, or the withholding of an earned diploma. It should be the case that "public" schools are *free* schools and that this makes it illegal to charge even the smallest fee. Unfortunately, this idea has not been specifically accepted in Massachusetts.

Do These Fees Have to be Paid?

If your child is ordered to pay a fee before he can receive materials or supplies or participate in a school activity or service, and you can't afford it, the following steps might be successful. First, ask the principal of your child's school to waive the fee as it applies to you. Tell him that the class, activity, or service is important for your child's education and that you cannot afford to pay it. If the principal refuses your request for a waiver, call and write to the superintendent and ask him to review the decision. Be sure to tell him in your letter exactly what the fee is for and why it is important that it be waived.

If you are unable to get a waiver, file a written complaint with the school committee. This should contain the same information as your letter to the superintendent. Send copies to the principal and the superintendent. Usually there will be other parents who share your concern. You should try to get them to write complaints about the fee also. This may result in the school committee reviewing and changing the unfair policy.

If your efforts are unsuccessful it will probably be necessary to seek legal advice as to the desirability of taking the matter to court. There are several arguments which might win against the imposition of fees by the schools.

It can be argued that charging fees for educational services violates a recognized system of free public schools. While the Massachusetts Constitution does not provide for such a system, it does require that judges and the Legislature show a special concern for the "common schools", and elsewhere refers to the support of the "public schools" of the Commonwealth. And the

Massachusetts Supreme Judicial Court has said that public schools are free.

Courts in other states have said that "free" schools are not only prevented from charging tuition, but from charging other, smaller, fees as well. Even the smallest charges have been found invalid when they were used to defray the cost of an academic program. And even the imposition of a charge for attendance at a school concert or athletic event may be unlawful if attendance is required, if the student in any way is "penalized" for nonpayment, or if it relates to your child's academic standing.

A second argument against a fee imposed by a public school is that it causes illegal discrimination against the poor. A fees policy creates two classes of citizens: people who can't pay the charges and those who can. Those who cannot or do not pay are granted fewer opportunities and privileges, and are sometimes subjected to humiliating or embarrassing treatment. Thus, a school's policy of imposing fees on its students prevents children from poor and working class families from obtaining full educational services and benefits which are available to other children.

Summary

Public schools cannot charge tuition for children whose parents reside in the city or town. Yet, the schools do charge other kinds of fees. Any fee imposed on a student or his or her parents in order to attend school is a burden on the child's right to an education. Although any one fee might seem to be unimportant, when taken together they can deny to some children an education which others are able to take for granted. You should give careful consideration, therefore, to *any* charge imposed by the schools. If school fees are to be terminated, it will occur primarily through the initiative of parents who have to pay them. Talk with friends and other citizens when schools charge you money so that your child can go to school. Together you can take the issue to your school committee and to your representatives in the Legislature. If enough people do this, laws can be amended to ensure that a truly free education will be available to all children.

CHAPTER 4

HOW SCHOOLS ARE FINANCED

Local Financing

By state law, each city and town must provide enough money for its schools to operate. Each year, the school committee must submit a budget to the city council, board of aldermen, or town meeting, which in turn must vote on whether to set aside the amount requested by the school committee. This is the money which pays the expenses of the school district for the coming year. There must be enough money to pay for teachers' salaries, books, construction of new buildings, heat and electricity, and all the programs and services necessary to operate a public school system.

The source of this money is the *property tax*, which is based on the value of the land and buildings in the city or town. For example, if a town has a tax rate of $2.00 per $100 of assessed valuation this means that for every hundred dollars that a person's property is worth, he or she must pay two dollars in property tax. Thus, the owner of a home which is assessed at $20,000 would be required to pay $400 in property taxes each year.

Even if you rent your house or apartment, however, you still pay property tax. Instead of paying the tax directly to the town, the amount is included as part of your rent. Your landlord then uses that money to pay part of the tax for the building which he owns but in which you live. Thus, you pay for your children to go to school even though you don't pay tuition, because it is the property tax, which you pay directly or as part of your rent, that finances the public schools of your town. The amount you pay is less than it would be with a tuition system, however, since people must pay property tax even if they don't have children in school. In this way the responsibility for educating the children of the community is shared by the whole community and not just by those people who have children.

The local property tax system is used by all but one state (Hawaii) to finance the public schools. The fact that it is the most widely used system does not mean, however, that it is the fairest. For example, imagine two towns in Massachusetts, both having the same population. Town A has many expensive homes and buildings and a lot of valuable land. Town B is much poorer — the homes are worth less money and there are no industries which would pay large amounts of property tax. This situation will have one of two results: if people

are taxed equally in both towns (the same amount per $100 assessed valuation), Town A will have a lot more money to spend on schools and, as a result, the children there can have better schools. On the other hand, if both towns want to spend the same amount on education, the people in Town B will have to pay a much higher tax rate in order to have the same quality schools as Town A. Clearly, the first result is unfair to the children in the poorer town and the second is unfair to the taxpayers. Usually it is the students who are hurt — in Massachusetts, the richest school district has 10.4 times as much money per pupil as the poorest.

The U.S. Supreme Court was recently faced with precisely this issue, but the court refused to strike down the current system. Although the court felt that the system is "imperfect" it is up to the state legislatures to make the needed reforms. Thus, it is likely that the present system will continue until enough state senators and representatives are convinced that the system should be changed.

State Financing

Each city and town receives money from the state to contribute toward the costs of maintaining a public school system. This money comes from income and other taxes paid to the state. A complicated formula is used to determine the amount of money which each city and town receives. The formula is supposed to take into consideration differences in the property tax rate between the towns, but one legal argument charges that under the formula the richer towns can spend more money per pupil, keep a lower tax rate, and still get higher payments from the state.

There are situations in which the state can refuse to give this money to the local school districts. If a city fails to comply with education laws, the state may withhold the funds which the city would otherwise receive. This could be a powerful tool to enforce the law.

Federal Financing

Federal funds can also be given to local school districts under certain circumstances and for particular purposes. Most of these are discussed in other parts of this handbook. Programs for which federal money can be obtained include Title I, school lunches, special education, and certain types of bilingual education. In each of these cases, the money can be used only for the particular programs for which the money was requested. It cannot be used to offset the general costs of running the school system. Furthermore, in each case the local school district must apply for the money through the state Department of Education, which then approves the application and forwards it to Washington. The Department, therefore, can prevent the schools from receiving the money if it appears that they are not in full compliance with the law under which the application was made. This can constitute an important safeguard to prevent local school districts from misusing federal tax money.

Summary

Public schools are financed primarily by the local property tax. Both homeowners and renters pay the tax — the latter paying it through their

monthly rent to the landlord. The local property tax system is not fair because richer towns have more money for better schools. This makes the quality of education dependent on how wealthy the city is. The U.S. Supreme Court left it up to state legislatures to alter this system of financing. In addition to the local property tax, schools are financed in part by both state and federal money.

PROGRAMS AND SERVICES

CHAPTER 5

KINDERGARTEN

The Right to Kindergarten Programs

As of September, 1973, all school systems in the state must provide kindergarten programs for all eligible children. Children have a right to attend kindergarten. However, while it is mandatory that schools provide the programs, it is not mandatory that children below legal school age attend.

Who is Eligible?

Age is the only criteria school systems can set for establishment of eligibility. The eligible age is left to the discretion of each local school committee. Most systems have set the eligible age for kindergarten at 5 years. This is one year below the age of compulsory school attendance (6 years).

Two things are important to emphasize. First, kindergarten attendance for your child is optional. Schools must provide kindergarten programs, but your child does not have to attend school until the age of six, when he or she is ready for the first grade. Second, whatever age a school system sets for kindergarten eligiblity (whether 4 years and eight months, five years, etc.) must be applied to all children. That is, all children who want to attend kindergarten must be enrolled if they have reached the minimum age. School systems do not have the authority to deny enrollment to any child once he or she reaches the established age.

Requirements of the Program

Class size for kindergarten is not to exceed an average of twenty-five. Classes must last at least two and one-half hours a day for 180 days during the year. They are to be taught only by teachers who are qualified and certified by the Department of Education. The Bureau of Elementary and Secondary Education within the Department establishes curriculum guidelines for kindergartens. The guidelines are to be followed by local school systems. Another Bureau, the Bureau of School Building Assistance, must evaluate all new elementary school construction to insure that kindergarten facilities are provided adequately.

Summary

By law, every school system must provide a kindergarten program. However, attendance in the program is discretionary — the option of the parents and child. The only eligibility standard for kindergarten attendance is age. Each school committee sets the age for that particular school district. For most, the minimum age is five years — one year before the age of compulsory school attendance. Once the age is set, all children who have attained that age must be enrolled if the parents so desire.

Kindergarten class size is not to exceed twenty-five children. Classes must last at least two and one-half hours a day for 180 days during the year. The state Department of Education sets standards which school systems must follow in regard to kindergarten programs.

CHAPTER 6

FREE SCHOOL LUNCHES AND BREAKFASTS

The Right to Eat

Your child has a right to a nutritious lunch while he attends school. It has been found repeatedly that students who are not well-fed cannot perform well in school. If a child is hungry he loses his motivation and ability to learn. Congress recognized the responsibility to feed school children by passing the National School Lunch Act of 1946. This law allowed local school districts to receive federal money to help pay for lunch programs conducted by the various schools. Since then, other federal and state laws have been passed which expand the right of children to get a nutritious lunch while they are in school.

In Massachusetts, *all* schools are required to offer lunches. These lunches must meet U.S. nutritional requirements, which means that they should provide at least one-third of the food needed for an active, healthy school-age child. The law does not allow for waivers for the school lunch requirement, so any school failing to supply a lunch program is acting illegally.

In addition to the school lunch program, some schools also offer breakfast to their students. In Boston, for example, ninety schools offer a breakfast of cereal, orange juice, and milk. If your child qualifies for free or reduced price lunch, he or she can get breakfast on the same basis. Only schools located in areas with a high number of needy children are *required* to offer breakfast programs, however, so your school may not do so. The Department of Education requires schools in which 50% or more of the children are eligible for free or reduced lunches to serve breakfast too. All schools are totally reimbursed for breakfast programs, so no reason exists for them to ignore this need. If your child's school does not have a breakfast program, you may wish to join with other parents whose children attend the same school to ask the school committee to start such a program. Parent, welfare, or advocacy groups might be willing to help you to get a breakfast program started.

Who is Eligible for Free or Reduced Price Meals?

A child must receive free lunch (and possibly breakfast) if he comes within eligibility standards established by the state Department of Education, based on federal guidelines. The standards are available from the Bureau of Nutritional Education and School Food Services in the state Department of Education.

Standards are based directly on family income, and each family must apply individually. For a family of four, an income below $6260. entitles them to free meals for their children (though the amount changes annually). Families on welfare will always be eligible, though they must go through the application process too.

Families earning income over the eligibility level may still be eligible. Expenses for the following can be deducted from total income in determining eligibility:

1. unusually high medical expenses
2. shelter costs (rent, etc.) in excess of 30% of income.
3. special expenses due to the mental or physical condition of children in the home.
4. disaster or casualty loss.
5. temporary economic hardship such as loss of work.

Also included in the eligibility standards are income levels which entitle a family to reduced prices for meals at school. The state Department of Education has advised all school systems to offer reduced prices to children who need them. Parents and organizations should work to see that this is done.

How to Apply

At the start of each school year, the local school system must send notices to the parents of every child enrolled in school describing the lunch and breakfast program. The notice must list income eligibility scales, how to apply, and what you can do to appeal if you are not found to be eligible. An application form must be sent with the notice. If you were not sent a form, you can obtain one from the principal.

The application form can only request information directly relevant to eligibility standards. For example, you must list your annual income, but you cannot be asked questions about your work itself, or other more personal questions.

The application form should have space for you to describe any special circumstances which would make your child eligible for school lunch and breakfast. Be sure to mention any temporary disability, unemployment, illness, death, or any other factor within the four categories listed in the previous section.

The application form must indicate to which school official the completed form is to be sent. This official must accept applications at any time during the school year, and must make a decision about the family's eligibility within ten (10) days.

When the information on the application indicates that the family is eligible, all children included in the application are to be given free or reduced price meals. If the application indicates a family is eligible, but the school feels the information is not correct, it must supply the children with the meals. The school may then arrange for a formal hearing to address questions about the information on the application.

How to Appeal

If your child is determined not eligible, and you feel that there are important factors which were not taken into consideration, you can appeal the decision. Until the final appeal is heard, your child must continue to receive free or reduced price meals.

School officials must explain the appeal process to you. If they do not, contact the superintendent. If necessary, contact the Bureau of Nutrition Education and School Food Services in the state Department of Education (see Appendix E). Each school must establish a formal hearing procedure to be followed whenever the family or the school challenges eligibility. The procedure must include the following:

1. A simple method for a family to make an oral or written request for a hearing;
2. An opportunity for the family to be assisted or represented by an attorney or other person in presenting its appeal;
3. An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal;
4. The hearing shall be held with reasonable promptness and convenience to the family and adequate notice shall be given to the family as to the time and place of the hearing;
5. An opportunity for the family to present verbal or written evidence and argument supporting its position without undue interference;
6. An opportunity for the family to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
7. The hearing shall be conducted and the decision made by a hearing official who did not participate in making the decision under appeal;
8. The decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record;
9. The family and any designated representative shall be notified in writing of the decision of the hearing official;
10. A written record shall be prepared with respect to each hearing, which shall include the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons, and a copy of the notification to the family of the decision of the hearing official; and
11. Written record of each hearing shall be kept for a period of three years and shall be available for examination by the family or its representative at any reasonable time and place during such period.

If the school provides a hearing, be certain that it provides for the safeguards listed above. If it does not, or if you feel the decision made is still wrong, you can appeal directly to the Bureau within the state Department of Education, or you can take the matter to court.

Fairness and Non-Discrimination

Once a determination is made that your child qualifies for meals, there are several considerations which you should be aware of and watch out for. Most

important of these is that children receiving free or reduced price meals cannot be discriminated against or segregated in any way. They cannot be given different color meal tickets, or made to work for their meals, or be forced to eat in a different place or at a different time. If you learn of anything of this nature happening you should register a complaint with the principal and with the Bureau of School Food Services at the Department of Education in Boston. If the practice continues you should consult a lawyer. Additionally, you should know that if one child in a family gets meals at school, all the children in the family should be eligible. Finally, don't let school officials tell you that your school has no lunch program. The law requires them to.

Summary

Massachusetts law requires all school systems to provide lunches to children in school; some are required to serve breakfasts. Free or reduced price meals must be given to children whose families meet eligibility criteria based on income.

Applications for free or reduced price lunches and breakfasts are available at each school. If the school believes the child is ineligible, the family can appeal the decision. Meanwhile, the school must continue to provide free or reduced cost meals. Children who are eligible for the meals may not be discriminated against or otherwise treated differently or identified as receiving free or reduced cost meals.

CHAPTER 7

BILINGUAL EDUCATION

In 1971, the state Legislature passed a law which requires classes for children who do not speak English adequately. (The Transitional Bilingual Education Act.) The law is designed to provide children who have limited English-speaking ability with educational opportunities equal to those enjoyed by other children in Massachusetts.

The purpose of the law is to enable children to learn English well enough to attend regular classes on an equal footing with other students, while giving them an educational opportunity like that available to English-speaking students at the same time. (Thus *"transitional"* bilingual education programs are supposed to enable children to make the transition to classes where only English is spoken.) The law is designed also to ensure that the children neither lose the ability to speak their native tongue, nor are deprived of knowledge of the culture and history of their ancestors.

Who is Eligible for Bilingual Classes?

Under the Act, two groups of children are eligible for enrollment in transitional bilingual education classes: (1) children born in another country, whose native tongue is other than English, and who do not have sufficient familiarity with English to benefit from a class conducted entirely in English, and (2) children born in the United States who cannot perform ordinary classwork in English and whose parents do not speak English. Children who fit into either of these categories are considered to be "children of limited English speaking ability" and should be enrolled in a transitional bilingual education class.

When Must a School Offer Bilingual Classes?

Each year, every school district in the state is required to determine the number of children of limited English-speaking ability living within its boundaries and to classify those children according to their native or home language. Children not attending school as well as those already enrolled in regular classes must be counted. School committees must seek the help of public and private organizations and community groups which are likely to have access to information about non-English-speaking children in the area. These might include groups such as the Portuguese-American League, and the Chinese-American

Association, etc. School committees must take into consideration any information which these groups have about the number of children who would be eligible for transitional bilingual education.

If this census shows that there are more than twenty children in a particular language category (Spanish, Italian, or whatever) the school district *must* establish a program in transitional bilingual education for children who speak that language. If there are less than twenty children, the school district *may* establish a bilingual program if it wishes. For example, if a school district determines that there are 22 Spanish-speaking children but only eighteen children who speak French, the district must set up bilingual programs in Spanish but can refuse to conduct a program in French. But if the school committee voluntarily decides to provide classes for the French-speaking students, it must then provide classes for all other language groups (Chinese, Greek, etc.) which have fewer than twenty students also.

There must be a separate class for each language, unless the State Department of Education approves, in advance, the consolidation or mixing of programs. Thus, under normal circumstances, your child would be in a class where all the children speak the same language. Usually, classes must be the same size as all classes in the school. Class size must be smaller if no teacher aide is in the class. Thus, if thirty-eight Portuguese children lived in a city, the school department would have to provide at least two clases rather than placing all the children in one over-sized class. (More classes may be required because the age range of children in any class cannot exceed three years.)

What Can Parents Do to Get a Bilingual Program Started?

Many towns already offer a bilingual program. If yours does not, there are several things you may do. First of all, remember that it is the legal obligation of the school department. But if your child speaks a language other than English and the school district does not establish a bilingual program for him or her, there are several things that you can do.

If there are at least twenty children in your town who speak the same language as your child and who do not speak English well, the school committee legally can be forced to start a bilingual program for them. Write the school committee, or call the school district office and ask for an opportunity to be heard at the next school committee meeting. Give the committee the names of twenty or more children whom you have identified and formally request that a transitional bilingual education program be started immediately. If possible, have the parents of the other children sign your letter or go with you to the school committee hearing.

At the same time you should write to the Bureau of Transitional Bilingual Education, Department of Education, in Boston (see Appendix E). In your letter, state that there are twenty or more children in your town who speak your language and who are in need of bilingual classes. Also, tell them that your school committee has not set up a program and describe what steps, if any, you have taken to get one started. If the school committee still refuses to obey the law, contact a legal services office for further advice (see Appendix C for legal help).

If there are fewer than twenty children who are eligible for bilingual classes you should still ask the school committee to start a program. The members may

recognize that your child has a right not to be deprived of an educational opportunity and, as a result, agree to provide transitional bilingual education even though they are not required to do so. Again, ask other parents to join you in making your request.

Another alternative provided by the law is to ask your school committee to offer bilingual classes in cooperation with a neighboring town. This permits the costs and administration of the program to be shared between the two towns.

Finally, you should try to find out if any nearby town has a bilingual education program which would benefit your child. If there is such a program, ask the school committee of the other town to accept your child for enrollment. If the committee agrees, your own school committee must pay the tuition.

If your school committee refuses any of these options, you may wish to seek legal advice. It is possible a judge would order the town to make some other arrangements for your child's education, since it is fairly clear that the schools cannot refuse to educate some children while offering schooling to all others.

How are Children Enrolled in a Bilingual Program?

Once a bilingual program is established, every school-age child who does not speak English well enough to participate in regular classes must be enrolled. The determination of which children have limited English-speaking ability must be made by a qualified bilingual education director, supervisor, or teacher-in-charge. A statement of the basis for the determination must be placed in each child's school record. You have the right to see those records upon request.

The school must notify the parents of each child who is identified as being of limited English-speaking ability and in need of transitional bilingual education. The notice must be written in your native language, and must contain a simple, non-technical description of the bilingual program. You also must be told of your right to visit your child's classes, and to come to the school for a conference where the program can be explained.

If you think that your child should be in a bilingual program and you have not received a letter from the school by the time that school starts in September, call the school department and ask them where you should enroll your child. School officials have to enroll your child, either in regular or bilingual classes. If they think your child should be in regular classes and you disagree, you can have your child's English-speaking ability evaluated by a qualified bilingual teacher. Should this evaluation show that the child should be in a transitional bilingual education class, then the school must comply with the decision. If you disagree with the evaluation of the teacher, you may wish to have your child evaluated by a bilingual person from an agency or university. You can then present that evaluation to the school department. Once children are enrolled, the age-range among children in the class cannot exceed three years. If, for example, the youngest age of children in a particular class is six, no children over the age of nine can be mixed in the same class.

Can Parents Take Their Children out of Bilingual Classes?

Once your child is enrolled in a transitional bilingual education program, you can withdraw him or her if you feel that the program fails to meet the child's needs or for any other reason. You have the right to withdraw your child within a month of the time that you receive the original notice of enrollment, or at the

end of the semester. You can also withdraw your child at any other time if you obtain permission from a qualified bilingual education teacher.

If you decide to withdraw your child, however, you may meet some resistance in getting him or her back in at a later time, so it should not be done lightly. Instead, you should first meet with the teacher and principal to see if the problem can be worked out without taking the child our of the program. You should also talk to your representative on the Parent Advisory Committee (discussed below) to see if the problem can be solved without withdrawing the child.

How Long Do Children Stay in a Bilingual Program?

Unless you decide to withdraw your child, he must be allowed to remain in the program for three years. Bilingual classes are supposed to be designed so that students can attend regular classes successfully at the end of that time. If your child wants or needs to stay in the program for longer than three years, however, the school committee can permit an extension. Your written consent to an extension must be obtained in advance.

A child might learn English well enough to transfer to regular classes before the three years are over. Each year children in bilingual classes must be tested for their ability to speak, read, write, and understand English. With your consent, your child can be transferred out of the program in less than three years if the scores from these tests reflect English-language skills which would allow full participation in classes taught entirely in English. If, with your consent, your child is transferred to classes taught only in English and has difficulty because of language, he or she can return to bilingual classes.

What is Taught in a Bilingual Class?

Non-English speaking children must have the opportunity to take any course that the other children are provided — but the courses must be taught as part of the bilingual program. A transitional bilingual education program must provide a full program of instruction in all subjects or courses required by state law. Furthermore, any courses which the school committee requires students in regular classes to take must also be taught in bilingual classes. Each of these courses must be taught in both English and in the language of the children in the class. Classes other than those required by the state or school committee can be taught in the primary language of the student — English need not be used.

In addition to the regular school courses, children in a bilingual class must receive instruction in reading, writing, and speaking English, *and* in reading and writing their primary language.

Finally, the program must provide instruction in the history and culture of the native land of the children's parents as well as in U. S. history. Thus, a bilingual program for Italian-speaking children would have to include lessons in the customs, history, and culture of Italy.

All classes in the program are for full regular credit — an arithmetic course in a bilingual class counts exactly the same as an arithmetic course in regular classes where only English is used. You will be sent a letter or report card from time to time which tells you how your child is doing in each course. This progress report must be written in your native language.

Do Bilingual Programs Isolate Children from Others of the Same Age?

Bilingual programs must be conducted in the regular schools rather than in separate, isolated facilities. Bilingual classes cannot be held in a church basement, for example, where the children would have little or no contact with other children of their own age. Any violation of this principle must be approved by the state Department of Education.

The school must allow children in bilingual programs to take part in regular English-language classes in art, music and physical education. (They must be allowed to take classes offered in English where an ability to speak English is not necessary to an understanding of the subject matter.)

Furthermore, children enrolled in transitional bilingual education programs have the right to participate fully in extra-curricular activities offered to students in regular classes. The school must take positive steps to insure that the children have every opportunity to participate in such things as band, athletics, chorus, field trips, etc.

Finally, transportation must be provided for children in bilingual classes under two circumstances. One is when two or more school systems set up a regional bilingual program. Transportation for children in such a program is paid for — half by the state and half by the local school system where the child lives. The other instance is for transportation long distances to a bilingual program within the local city or town. Here, children in bilingual classes have the same right to transportation that all other children in the city have, based upon local school policy.

What is a Parent Advisory Committee?

The Bureau of Transitional Bilingual Education in the state Department of Education has issued regulations which are designed to ensure a degree of parent control and involvement in every bilingual program. Once your child is enrolled in a bilingual program, you can take an active part in deciding the nature of his or her education. Every school district which has a bilingual program must establish a Parent Advisory Committee (PAC). Every PAC has at least five members, who must be parents of children enrolled in the program. Each language group for which there is a bilingual class must be represented. For example, if your school district has bilingual classes conducted in Chinese, Italian, Greek, Portuguese, and Spanish, then at least one parent from each of those groups must be a member of the PAC. The members don't have to be elected, but they must be chosen in a way which will ensure that parents of children in the program are fairly represented.

School officials must meet regularly with the Parent Advisory Committee to participate in planning, development and evaluation of the bilingual program. Additionally, the school committee must meet with the PAC at least once a year for the purpose of planning and development. In order that they can fulfill their planning and advisory functions in a meaningful way, PAC members must be permitted access to all transitional bilingual education program records maintained by the school committee and school department.

No plan for a bilingual program will be approved by the Bureau of Transitional Bilingual Education unless the plan first has been submitted to each member of the Parent Advisory Committee. The regulations do *not* require that

the PAC members approve the plan — only that they have the opportunity to see it and discuss it with other parents. While this gives parents an opportunity to know in advance what is planned for their children, and to protest those aspects of a plan which they feel to be undesirable, the interests of parents and students are not fully protected without the right to disapprove a proposed program. Even without veto power, however, the PAC represents a valuable tool by which parents can seek to affect the direction of their children's education.

Your PAC is also important because of the opportunity which it provides to have problems resolved before they interfere with your child's education. Although it is generally wise to meet with your child's teacher and principal to discuss any difficulties, a member of your PAC should be able to act as an advocate or go-between when one is needed. Furthermore, ideas or complaints about the program should be conveyed to your PAC representative so that they can be considered when further programs are planned.

Summary

Bilingual education in Massachusetts is a right! By law, every school district in the Commonwealth which has twenty or more children speaking the same non-English language *must* provide a full academic program of bilingual-bicultural instruction. When fewer than twenty students reside in a school district, the school system voluntarily may provide bilingual instruction or may set up a program jointly with a neighboring school system.

The purpose of bilingual education is to enable children to learn English well enough to attend regular classes later on, while at the same time ensuring that they maintain their ability to speak their native language, and learn of their cultural heritage. As a general rule, no child will be in a bilingual class more than three years; the time may be considerably less depending on the needs of the individual child.

Children in bilingual programs must be offered *any* course in their own language that other children are offered in English. Bilingual programs must be conducted in a regular public school, and children in them must be integrated into some courses offered only in English (such as art and music), and must be allowed to participate fully in any extra-curricular activities offered to students in regular classes (such as band, athletics, and field trips).

Every school district which has a bilingual program must have a Parent Advisory Committee which must be allowed to participate in the planning, development, and evaluation of the bilingual program.

CHAPTER 8

SPECIAL EDUCATION SERVICES

For many years in Massachusetts, mentally and physically handicapped children have been treated as second class citizens. However, the recently enacted Chapter 766, Special Education Act, represents a fundamental improvement in serving these neglected children. Chapter 766 means that it is no longer acceptable for mentally and physically handicapped children to receive any less an educational opportunity than other Massachusetts children.

The new law mandates seven basic points concerning special education: 1) equal educational opportunity; 2) educating handicapped children with other children to the degree possible; 3) an end to labelling children with special needs; 4) an extension of the school-age to 3 through 21 if the child has not yet received a high school diploma; 5) an individualized education to fit the child's needs instead of making the child fit the program; 6) making parent involvement a right; and 7) placing the responsibility for implementation of special needs programs on the public schools. The final point is particularly important. Under Chapter 766, the schools' specific responsibilities include: appointment of a special education administrator, identification and evaluation of all children with special needs in the town, provision of adequate programs, and all related responsibilities. The local school system ultimately is responsible for implementing all aspects of Chapter 766.

Perhaps most important of all, the law is based on the premise that if handicapped children do not progress to their full potential, the school system is not doing an adequate job. If you are a parent of a child 21 or younger who does not have a high school diploma, or if you are a student from 6 through 21 years of age, this chapter may be of particular interest to you.

Purpose of Chapter 766

Chapter 766, the Special Education Act, became law in 1972, to take effect September, 1974. It is different from prior laws concerning special education in that the old laws designated special education categories into which children had to fit, while 766 recognizes the existence of an enormous range of needs which might require special education. Instead of placing children in predetermined programs which often do not fully meet their needs, the law now requires special programs to be designed for each particular child.

Chapter 766 says essentially that every child in Massachusetts *regardless* of mental or physical handicaps has the right to an adequate, free public education. It places the responsibility for arranging and providing special education programs for individual children on the local school systems. Furthermore, 766 says that a youngster need only be a "child with special needs" and not be assigned such stigmatizing labels as "emotionally disturbed" or "mentally retarded" to qualify for special services. A special needs child is one whose physical or mental needs may require special services when he or she is unable to progress adequately in a regular classroom situation. These characteristics of 766 do not imply that all children will be served in identical classroom environments, for the law provides for nearly a dozen types of educational programs, and stipulates that each child must receive a program tailored to his or her needs.

Age Range of Children Served by 766

Chapter 766 says that every child with special needs from age 3 up to the 22nd birthday has the right to an educational program meeting those needs. This means that not only children 5 through 16 required by law to attend school can obtain special education services, but also pre-kindergarten age children with substantial handicaps and youths from 16 up to 22 who have not yet received a high school diploma as well. Attendance for those 16 up to 22 is voluntary. Youths from 18 up to 22 are entitled to all rights available to children under the new law and all rights of adults where other laws are applicable.

Referral of Children for Assessments

A. Kindergarten and Pre-kindergarten Screening:

As a first step in identifying children who have special needs, Chapter 766 requires your local school committee to provide a screening program for all children who are 3 or 4 years old, and for those who will soon be entering kindergarten. Your child's screening will be a quick assessment, an attempt to obtain an overview of his or her physical and mental condition. A screening includes (1) certain information from the parents describing the possible existence of special needs; (2) a physical check-up of your child; and (3) assessments of your child's vision, hearing, body movement, and ability to get along with others.

The screening is optional for children 3 to 4 years old, upon parental request. However, your school committee is required to arrange a screening for all children if they are old enough to enter kindergarten in September of each year. Your child need not have this "kindergarten entry screening" if you wish to provide your school with an equivalent assessment within six months of the assessment scheduled by the school. To get more information on screening, including when and where the screenings for 3 to 4 year old children will take place, you can contact your local school principal or special education administrator for the school system.

If kindergarten entry screening shows that your child may have special needs, the law requires school personnel to discuss screening results with you and your child's kindergarten teacher. Should you and the kindergarten teacher both think that your child's assessment is incorrect, then no "full core" or com-

prehensive evaluation (described below) need be made. But if you believe that your child may have special needs then he or she should be referred for the more thorough evaluation. Remember that you can begin the referral process yourself by requesting a kindergarten entry screening, or a pre-kindergarten screening if your child is only 3 or 4 years of age.

B. Referral of Children in School:

Your child can be referred for an evaluation by: (1) you, the parents; (2) a school official, including your child's teacher; (3) a judicial worker; (4) a social worker; (5) your family doctor; or (6) a person having custody of the child. In addition, a child if he or she wishes to be referred, or any other person who wants to make a referral, can ask one of the people listed above to make the actual referral. To refer your child yourself, ask for the "Special Needs Evaluation Referral" form from your local school principal or special education administrator. If you have trouble obtaining a form then check to see that the principal or special education administrator received your original request. Ask to speak to them in person, or by telephone, and if this fails, you may wish to write them a letter asking for the form. You can send the letter "return receipt requested" to be certain the person has received it. You should be able to get this form at your local school. If you cannot, then contact either the regional education office, or the Department of Education, Division of Special Education, 182 Tremont Street, Boston. You can then fill it out and send it to the child's principal or your local school special education department.

A school-age youth in a regular education program can be referred for an evaluation by those listed earlier when any one of the following events occur: (1) at mid-year the child is failing two or more non-elective courses and may possibly fail for the year; (2) the child is not promoted at year's end; (3) a child is suspended for more than five school days in any quarter, or permanently expelled from school; (4) a child is absent for more than fifteen days per quarter without medical excuse; (5) a child is committed, referred or detained by the Department of Youth Services; and/or (6) a child shows a marked decrease in attention or learning ability after returning to school from a prolonged illness.

If your child is referred for an evaluation, within five days the school committee in your area must send you a written notice including the following information: (1) the name and position of the person who has made the referral; (2) a description of the assessments which are proposed; (3) the type of evaluation which will take place, including your right to have the more comprehensive evaluation, known as a "full core evaluation," performed for the child; (4) the specific dates on which the evaluation will begin; (5) your right to be a full member and participant in all meetings of the group called the "Core Evaluation Team" (CET) which will evaluate your child and establish criteria for the educational plan if he or she is found to have special needs; (6) your right to meet before the evaluations begin, with your child if you choose, in a "Pre-evaluation Conference" with the chairperson of the Core Evaluation Team or someone appointed by the chairperson to talk about the reasons for the referral, the evaluation process itself, and the possibility of a home visit to obtain additional information in order to evaluate the child. (Note that the home visit can take place only if you give your permission as a parent of the child; also, it is up to the parent to request the Pre-evaluation Conference. You should suggest a

preferred time and an alternate time when school officials can meet with you. The school should not schedule the conference at a time when you, your friend, advocate or attorney cannot come if you wish to be accompanied by another person. All meetings are supposed to be at a time convenient to parents); (7) your right to a free, independent evaluation for your child at a state facility approved by the Department of Education or, if you pay for it, from any qualified private specialists; (8) a statement that you will be sent a written notice soon after the completion of the evaluation describing its results and approved by the state Department of Education, and containing a detailed explanation of your child's educational plan if he or she is found to have special needs; (9) your right to accept, reject or resolve within a thirty day period any differences with other Core Evaluation Team members regarding the evaluation or educational plan, or to appeal the Core Evaluation decision which was reached; and (10) a statement describing specifically where the child will be placed during the evaluation process.

The last point is particularly important. Throughout the evaluation and appeals process your child *must* be allowed to attend regular classes unless school officials can demonstrate that it would endanger his or her health or safety, or substantially disrupt the education of other children. This applies to children who are not presently enrolled in school as well as those who are attending regular classes. Those attending *special* classes must be allowed to *remain* there, or in a regular class as the parent prefers unless the school can show that it would endanger health or safety.

There are many other pamphlets and booklets which will help further explain to you the often complicated 766 process of getting special services for your child. See Appendix D for information on organizations from whom these materials can be obtained. Circumstances may arise in which school officials might not answer your requests as quickly as you would like. In these situations, remember that to be a good advocate for your child you should pursue your requests vigorously. If phone calls do not achieve the desired results, you should send letters in which you put your requests in writing. Always keep a copy of the letter you send so you will have a record of your request. Further, remember that you can usually go to the "boss" of the person whom you may currently be dealing with to obtain results. The higher-ups can often be more responsive to your requests.

Composition of Core Evaluation Team

The Core Evaluation Team mentioned earlier which conducts the evaluation is composed of people from a variety of fields. These include:(1) you, the parents of the child being evaluated; (2) a registered nurse or social worker; (3) a psychologist; (4) a medical doctor; (5) the child's teacher; (6) the CET chairperson who has been appointed by the local special education administrator; (7) a school administrator; and (8) a vocational school educator at the request of the CET chairperson. You may also request that any professional who has been working with your child in some capacity outside the schools be a member of the Core Evaluation Team, and you have the right to be accompanied to all CET meetings (and any other meetings in the 766 process) by a friend, advocate or attorney of your choice.

Two Types of Evaluations

Should your child be referred for an evaluation, you should know that there are two types of evaluations which can be performed. These are called a "full core evaluation" and an "intermediate evaluation." The full core evaluation is necessary when special needs are thought to exist which might require the child to spend more than 25% of the time outside of the regular classroom. At first the special education administrator can decide that your child will have an intermediate instead of a full core evaluation, but if after an intermediate evaluation you still think that a full core is necessary, then *your* request must be granted. Otherwise, an intermediate evaluation will be done for your child and the Core Evaluation Team performing the evaluation is prevented from requiring that more than 25% of the child's time in school be spent away from the regular educational program. After the intermediate evaluation, however, the Core Evaluation Team may request that a full core evaluation be carried out for your child. Otherwise you have the right to request a full core evaluation if you think it would be in the best interests of your child.

An intermediate evaluation is not as comprehensive as a full core evaluation. An intermediate evaluation is not just a screening, however. It means only that the total number of assessments made when compared with a full core evaluation is less. The full core evaluation is designed to give a more complete picture of your child's strengths and abilities, as well as special needs if any are found to exist. The full core evaluation includes assessments of a child's: (1) home situation and family history where you as a parent can be instrumental in providing information to a social worker, nurse or guidance counselor who will contribute this in written form along with additional information gathered in a home visit if you agree to one; (2) overall progress in school as reported by a school administrator; (3) the ability to function in a classroom setting given by one of his or her teachers; (4) physical condition after examination by a doctor; and (5) psychological make-up as reported by a psychologist. Any of these assessments need not take place if you choose to present the Core Evaluation Team with an equivalent assessment which has been performed during the six months prior to the scheduled school assessments. After the assessments have been finished, you and other CET members will meet to decide whether or not your child has special needs. The existence of special needs will be determined when it is agreed by the Core Evaluation Team that the child's needs cannot be served unless some form of special education instruction is made available.

The Core Evaluation Team Meeting

The Core Evaluation Team meeting consists of various professionals presenting their assessments of your child. They present what they feel are the child's special needs, if any, from their particular perspective. The atmosphere at the meeting should be one of discussion and mutual cooperation. If you as the parent think that a particular assessment may be in error, then you should question these results. You should present your point of view on your child's behavior or physical condition at this meeting, especially when you think that your child's condition may be misrepresented. Again, remember that it is your right to be accompanied by a friend, advocate or attorney at the meeting.

Development of Educational Plan

If your child is found to have special needs, then the Core Evaluation Team must draw up an educational plan suited specifically for your child. Such an educational plan must state: (1) what your child's capabilities and limitations are; (2) the best way in which your child can learn; (3) the specific goals which your child will be helped to accomplish; (4) the method by which it will be possible to measure the success or failure of the special needs program; and (5) the detailed plan by which your child can achieve the goals listed above. Under no circumstances should you accept a pre-arranged educational plan prepared by the other Core Evaluation Team members prior to your meeting with them. The meeting is supposed to be a discussion where all members of the CET including yourself should come to an agreement as to the nature of the educational plan.

Within 10 days from the time the CET makes the evaluation for your child, you will be sent a notice (or the child will be sent a notice if 18 years old or over) saying that the evaluation is complete. The notice also must include statements: (1) of your child's educational plan or that your child is without special needs; (2) of your right to inspect *all* documents pertaining to your child which the school possesses; (3) that you are entitled to a 30 day waiting period to resolve any differences of opinion by way of informal discussion; (4) of the choices which are available to you at this point in the process (see next paragraph); (5) listing of names and addresses of approved centers for conducting independent evaluations should you choose to do so; and (6) describing the appeals and hearing procedures and the placement for your child while an independent evaluation is conducted. Finally you will be provided with two forms; one to indicate your choice of options as described in the following paragraph, and one to indicate options in regard to appeal procedures should you choose to follow that course for your child.

Anytime during the 30 day negotiating period parents (or a student if 18 and older) can agree with and sign the educational plan. If at the end of the 30 days you have not signed, then you have an additional 15 days to exercise one of the following options: (1) agree with the CET educational plan and return the appropriate form signifying agreement to the school committee; (2) accept or reject the educational plan or the finding that the child is without special needs and send the appropriate form to the school committee; (3) postpone your decision on the educational plan or the finding that the child is without special needs until an independent evaluation can be completed, and send the appropriate from signifying that decision to the school committee; or (4) reject the educational plan or the finding that the child is without special needs and send the appropriate form with this information to the school committee. In any case, *before* signing the educational plan you should be sure that you can satisfactorily answer the following 766 educational plan checklist:

1. Have all the assessments been presented and discussed at the Core Evaluation Team meeting?
2. Do parents have copies of all tests and assessments?
3. Has the child been carefully observed giving full consideration to all aspects of his or her behavior?
4. Does the plan specifically list the child's capabilities and problem areas?

5. Do these correspond with the assessments and tests?

6. Does the plan specifically refer to tests and assessments which indicate areas of strengths and weaknesses?

7. Does the plan list *specific* goals, short and long-range for the child to achieve?

8. Do the goals set for the child correspond to the areas of weakness mentioned in the assessments?

9. Are the goals specific and clear enough for the parents and school officials to know when they have or have not been achieved?

10. How will the child be helped to achieve these goals, and how will it be measured whether or to what extent he or she reaches them?

11. What *specific program* is prescribed to help the child meet these goals, and specificaly how will the program or parts of the program help him or her to reach each goal?

12. Is the child being fit into a pre-existing program or is the program being tailored to fit the child's needs?

13. Who will be working with the child, where and on what specific goals, and for how long each day or week?

14. Do the parents have a copy of the child's proposed daily schedule?

15. What are the specific qualifications (by training or experience besides general "certification") of each of the personnel who will be working with the child?

16. What materials or equipment will be used in the child's program?

17. What support services, consultation and/or training are needed by personnel who will be working with the child and how and when will they be made available?

18. What provisions for transportation are necessary and are they written into the plan? If transportation is to be contracted for, do the parents have a copy of the contract?

19. Is there a provision in the plan for the child to make-up any work missed in his regular classes while he or she is out for special services?

20. Are all the child's teachers mentioned in the plan and appraised of it?

21. Does the plan indicate who is *directly* responsible for the implementation of the child's program, and for writing quarterly progress reports to parents and the CET chairperson?

22. What date will the plan begin?

23. When, how and by whom will the program be evaluated?

As you may be able to tell from the aspects of Chapter 766 which already have been described, the parents can be their child's best advocate. But it is up to you to familiarize yourself with the new law to be as effective as possible in meeting your child's special education needs. *Be certain that the assessments and educational plan are specific, clear, stated in writing, and that you receive copies.*

Implementation of Educational Plan

As soon as you sign the educational plan, it should be implemented immediately. The plan itself will specify when it will start. It should also specify a

person who will act as your liaison with the Core Evaluation Team. Generally this person will be the child's special education teacher, but does not have to be. You should keep in touch with him or her in case any problems arise, or to be kept up-to-date on your child's progress. The liason is responsible for quarterly reports which will be entered into your child's records and be sent to both you and the Core Evaluation Team chairperson. On the basis of the quarterly reports or any information the parents can provide, parents can request that their child's special education program be modified. Modifications can usually be implemented without CET meetings unless they require a change of the educational prototype (described later). Also, an annual report is written for your child which is based on the quarterly reports.

If you find that certain parts of the educational program specified for your child are not being implemented, you should know that this is *illegal*. Talk to your child's special education teacher about this problem first, then to the special education administrator if the teacher does not respond. If this does not work, then try to get the Core Evaluation Team to reconvene and review the problems. Remember, the special education teacher cannot make any changes in the educational program without consulting the parents.

Types of Special Education Programs

The educational plan for your child must identify one of ten educational program options as being best for your child. The program options or prototypes are: (1) regular, fulltime classroom instruction with some modifications; (2) a regular educational program with no more than 25% of the time spent in special education classes; (3) a regular educational program with no more than 60% of the time devoted to special education classes; (4) a special class placement mostly separate from the regular educational program; (5) a special private day school program; (6) teaching or treatment at home or (7) in a hospital; (8) occupational training in a public school; (9) teaching or treatment in a residential school; and (10) other combinations or modifications of the above possibilities.

The above are general types of program options. A particular prototype should be agreed upon as the logical conclusion of all the assessments. Your child in this manner will obtain the right to a program which fits his or her particular needs. Under no circumstances, however, should the choice of a program prototype be a substitute for the writing of a specific educational plan, discussed earlier.

The Appeals Process

Should you decide to reject the educational plan or a finding of no special needs proposed by the Core Evaluation Team, then you must fill out the appropriate form sent by the school and return it within the 30-day time period alloted for informal discussion. At this point you can *appeal* the educational plan or the finding of no special needs to the state Bureau of Special Education Appeals within the Department of Education (see Appendix E). The school committee will send a copy of your rejection of the Core Evaluation Team's proposal to the Bureau's Regional Office representative within five days. The regional Bureau representative often is called an "investigator." As soon as the representative receives the notice of the rejection he or she may request a

meeting of parents and school officials together to discuss differences. Meanwhile, the representative sends the rejection on to the Bureau's central office, which must send you within 5 days a statement with the following information: (1) that you can appeal to the Bureau (you may request a hearing within 15 days; a form is provided for you to do so); (2) the location for the hearing, if requested, and that you will receive a notice giving you the date of the hearing; (3) that parents (or school age children 18 through 21) have the right to bring an advocate, friend, or attorney with you to the hearing; (4) that parents (or children 18 through 21) have the right to review all of the records pertaining to the child in question; (5) that parents (or children 18 through 21) have the right to reject the Bureau's decision and require placement in a regular school program for your child; and (6) that you can appeal to the State Advisory Commission (SAC) if you would like a different placement for your child instead of the one recommended by the Bureau. Thirty days after the hearing, or, if no hearing is held, 15 days after parental appeal to the Bureau, the Bureau must send its decision to you on the appeal. You then have 15 days either to: (1) accept the Bureau's educational plan; (2) reject the Bureau's educational plan and request that your child be placed in a regular educational program; (3) reject the Bureau's educational plan and appeal to the State Advisory Commission. It is important for you to realize that in an appeal to the State Advisory Commission, parents will be held to the facts presented during the appeal to the Bureau of Special Education Appeals. No new evidence or information may be introduced. The appeal to the SAC begins when the SAC itself makes a tentative decision on your case based on a summary of the information used in your appeal to the Bureau. If you requested a hearing in your appeal to the Bureau, the summary usually will be presented by the hearing officer. The SAC makes a tentative decision since often there is too much evidence for it all to be reviewed completely. However, because the tentative decision is based on an overview of the evidence, the SAC may not get the most accurate picture of what happened at the hearing (if you requested one), or of the implications of the written evidence (if no hearing was held). After making its tentative decision, the State Advisory Commission can then hear both the parents' side and the school's side of the situation. If the SAC has decided against the parents in its initial decision, then the parents should be sure to emphasize to the SAC that its initial decision was only tentative. Based on the original appeal evidence and clarifying statements by the parents and/or the school, the SAC will make a final decision on your appeal. Should you think that this new decision is not in the best interests of your child, you may appeal beyond the State Advisory Commission to the state Superior Court, whose decision will be final. It is advisable to obtain the help of an attorney for this latter appeal.

Remember, during the entire appeals process, as during the evaluation process, your child has a right to remain in school. If already in class at the outset of evaluation and appeals, he or she should remain in the same class. If not in class at the outset of the process, your child has a right to be placed in a regular education classroom, unless the school committee can demonstrate that this would seriously disrupt the education of other children.

Record Keeping and Monitoring of Program Progress

School officials who are responsible for coordinating your child's evaluation

must keep complete and accurate records of the tests administered, results, conclusions reached, the suggested educational program, and any services suggested or implemented to aid your child. You have the right to see any and all records which the school keeps on your child upon request (consult Chapter 12 of this Handbook for additional information on student records). If you are a student 18 or over you can view these records yourself. The 766 records are strictly confidential, and no one else may see them except those people who have been directly involved in the evaluation and placement process.

School committees are required to assess the progress of children in Chapter 766 programs 10 months after their initial placement and at least annually from then on. The Core Evaluation Team which originally evaluated the child and developed his or her program must determine if the program has been successful. Should problems with the original program be discovered, the CET will report these to the school committee indicating that the child in question must be re-evaluated, and will proceed to re-examine the educational plan and make recommendations to improve it. Furthermore, as has been mentioned earlier, under the new law you should receive quarterly progress reports on your child's performance in his or her educational program. These quarterly reports will become part of your child's special education record.

Parents' Rights

Several rights given to parents under Chapter 766 have already been discussed. For purposes of clarifying parents' responsibilities, these will be reiterated along with the remaining major rights designated by the new law. First, as has already been mentioned, the parents have the right to see all records kept by the schools on your child. This pertains not only to records on 766-related matters but to *all* materials. You have the right to obtain a screening for your child if he or she is 3 years or older and not yet enrolled in kindergarten, and to have your child screened by the schools once he or she enters kindergarten. You have the right to meet in a pre-evaluation conference with the CET chairperson before the evaluation. You also are entitled to a full evaluation for your child should you believe an intermediate evaluation would be insufficient in determining his or her needs. You have the right to arrange for an independent evaluation if you so desire. You have the right to appeal the Core Evaluation Team's educational plan or finding of no special needs if you think either of these is not in the best interests of your child. You have the right to participate in all decisions pertaining to the evaluation, educational program, and placement of your child, especially as a member of the Core Evaluation Team. And finally, you have the right to have your child re-evaluated by the CET 10 months after the first placement and every year thereafter with a possible new placement as long as the child needs special education services.

It is very important that you remember that parents have the right to be accompanied by a friend, advocate, or attorney to all meetings involving your child's welfare in the 766 process. This includes meetings of the Core Evaluation Team, of which you are a member, and hearings that may be held during the appeals process. It is a good idea to bring someone with you to meetings so that you will have a witness who can verify what went on during the proceedings. Also, you may want to bring a person such as an advocate or attorney who can

help you in case you have a problem understanding certain technicalities in the 766 process. This is your right.

Other rights can be equally valuable to parents. All notifications to you from your local school committee or other agencies involved in the referral, evaluation, appeals, and services stages of the 766 process must be in easily understandable language, and in the language which your family speaks at home. You have the right to receive written reports on your child's progress on a quarterly basis, and the right to meet with your child's teacher(s) at the same time interval. You are also entitled to meet with the head of the school in which your child is enrolled, and the special education administrator for the school system whenever necessary.

As a parent, you bear a great responsibility under the new law to act as your child's most important advocate and decision-maker. Your child's future with Chapter 766 more than ever depends largely upon you.

Placement in Private Schools and Residential Institutions

Many public schools may still be unable to offer particular educational services to children with special needs. If faced with such a problem, you need not see your child suffer as a result of the present inadequacies of the school system. Under Chapter 766, a child with special needs can attend a private institution if it offers services not available in public schools. The special education law provides safeguards ensuring that private schools will represent a more satisfactory educational alternative to the needs of a particular child than existing programs in the public schools.

However, under no circumstances can the private school become a substitute for the development of responsive and adequate facilities on the public school level. To guard against this the law, while recognizing that many cities and towns do not provide all the services which are needed, requires local school committees to submit plans and timetables for a scheduled establishment of appropriate educational services. The state Department of Education must exercise a continuing monitoring function to assure that schools provide the precise educational benefits required by law for each child. These measures reserve the right of your child to be placed in the most suitable program available whether it be a public or private school.

A child with special needs may require a program which cannot be started right away because of its complexity or some other factor. If this happens to your child you can work through your Core Evaluation Team to obtain a placement at a private school or state residential institution which will fit his or her needs. Remember that this is supposed to be a temporary measure only. Approval will be given for your child to be enrolled in such an institution only until adequate facilities are made available by the local school district. In other words, Chapter 766 will not permit your local school committee to avoid its obligation to your child merely because the child *could* be taught at another institution. Your child's re-evaluation at the end of the school year, after having been enrolled in either a private school or residential institution, is a good time to determine what steps the school system has taken to serve your child in order that he or she can live at home and attend the local school.

Chapter 766 requires that your local school district prepare a plan which

details the steps which have been taken to provide the necessary services that temporarily may be supplied by a private or residential school, and when these steps can be completed. In this way you and the state Department of Education can ensure that local school systems are moving to create a program which will permit your child to live at home while receiving the education or training to which he or she is entitled. Sometimes school systems will band together in "collaboratives" for special education to provide programs which single school systems may be unable to offer.

You should realize that if placed in a residential school, supervision and direction of your child's education will be taken out of the hands of the local school district. While your child is attending a state institution, supervision will be conducted by members of the Division of Special Education in the state Department of Education. Also, when placement of your child in a private school or residential school is carried out as a result of Core Evaluation Team recommendations through the 766 process, the school system or the state must pay all costs which are educational in nature. You may be asked to contribute only towards your child's clothing, food, and living expenses, but this should not be significantly more than the same items would cost if the child was at home and in any case should not be more than you can afford.

If you are a parent of a child who is enrolled or about to enter a state residential school, you may want to contact the Bureau of Institutional Schools of the Division of Special Education, (See AppendixE).

Transportation of Children in 766 Programs

As a general rule, transportation for a child with special needs must be paid by the local school committee or the state Department of Education. Transportation for a child attending a school in his or her own town or another town is to be paid by the school committee of the town where he or she lives. Children attending programs in other institutions (hospitals, clinics, etc.) may have their transportation paid by the local school committee or the Department of Education depending on a decision of the Department. Finally, the Department will fully reimburse cities for the cost of transporting children to and from recreational programs at approved state facilities.

It is the responsibility of the local school system to arrange for transportation of children with special needs — even if the children must attend school outside their own city. In order to assure transportation, contact the superintendent's office or the school committee. If you arrange transportation for your child independently, be certain that it is approved first by local school officials and/or the Division of Special Education at the Department of Education. Should the school arrange with you for you to take your child to and from the special education placement, you will be paid the same rate per mile which state employees receive per mile. But this arrangement cannot be required. Under no circumstances should local school officials hesitate to arrange for and provide transportation. Chapter 766 says that it is their obligation.

As your child's advocate you should know that there are many problems which may arise in the transportation procedure. You should be certain that your child does not spend more than an hour in transit each way to and from the special education center. You should also check that cab drivers, if used to transport children, have been trained in carrying special needs youth. There

have been problems in the past with irresponsible practices on the part of privately contracted companies to transport children. There should be some mechanism established in your school system to take complaints on the transportation issue. You should contact this agency or representative and discuss your problems with them. If the transportation of your child is unsatisfactory, then you should take steps to improve it by writing the officials responsible: (1) superintendent; (2) school committee; (3) regional office of special education; (4) Division of Special Education, Bureau of Management (see Appendix E).

The Division of Special Education

To administer special education in Massachusetts, the law places responsibility in the Division of Special Education, part of the state Department of Education. It is important that you are aware of this office for several reasons. First, the Division largely has ultimate control over all special education programs in the state and, as a result, can determine the quality of education which your child receives. Second, the Division is also given the duty of receiving and investigating all complaints regarding special education, and of holding hearings on behalf of any child or groups of children requiring special education. It can investigate any aspect of any special education program and has the power of subpoena to force local school authorities to cooperate. Third, the Division has the duty to provide for the involvement of parents of children in the planning, development and evaluation of special education programs. "Involvement" at minimum means that parents have the right to participate thoroughly in the evaluation process of their own child, that they can see all the information on their child, that they can refuse a particular program, and that they can appeal a decision of the schools. Finally, the Division can recommend to the Board of Education that state monies be withheld from any school district which does not comply with the laws and regulations governing special education.

The Division is headed by an Associate Commissioner for Special Education who directs the Division's activities. The Division is divided into several bureaus. The functions and phone numbers of these bureaus are listed in Appendix E.

Regional offices of the Division of Special Education have been established in each of the Department of Education regions of the state (consult Appendix E in the back of this Handbook). The most important duty of the regional offices is to monitor school system implementation of Chapter 766. In this way the regional offices should have very direct involvement in the educational opportunities of individual children with special needs.

Advisory Groups

Each region also has a "Regional Advisory Council" (RAC) made up of a minimum of sixteen members, at least eight of whom must be parents of children who are enrolled in special education programs. The RAC's have two primary duties. They are to make recommendations about all aspects of special education in the region and once a year submit to the State Advisory Commission (SAC) a written report on the quality of programs within their region. Each regional advisory council must hear the complaints or suggestions of anyone in-

terested in special education and forward them to the State Advisory Commission. You as parents can make suggestions through the RAC's to improve services.

The State Advisory Commission itself was created by Chapter 766. It is made up of two people from each Regional Advisory Council. At least one of the representatives from each region must be a parent of a child who is receiving special education. Each year the Commission submits to the Department of Education a comprehensive report on the quality and adequacy of special education programs in Massachusetts with recommendations for improvements in those programs. These reports are based on testimony at public hearings and from records of parent complaints and suggestions. The Department must either implement the recommendations or give written reasons why they cannot or should not be implemented. If any disagreements cannot be resolved, the Board of Education — the highest education body in the state — must conduct public hearings after which it will decide whether to implement the recommendations of the Commission.

Summary

With Chapter 766 no child who has special education needs can be denied an education! The new Special Education Act requires all school systems to evaluate and provide educational services for children according to their individual needs.

As a general rule, children needing special services have a right to attend public school with other children. Moreover, most children who require special help must be integrated into regular school classes and activities. No child may be excluded from school or regular classes unless an evaluation indicates that such exclusion is in the child's own interest. Even then, it is the responsibility of the school department to see that the child is getting the educational services most appropriate to his or her needs.

The outstanding aspects of the Chapter 766 process are listed below:

1. All children considered in need of special education services must be evaluated. Thereafter, children must be re-evaluated annually.
2. Parents are to be notified in writing of the evaluation. The evaluation must be arranged by the school department, and completed 30 days after the parents are notified. Parents have a right to meet with the chairperson of the Core Evaluation Team before the actual evaluation session.
3. Parents must be involved in every step of the evaluation process if they so choose.
4. All records are to be kept on the evaluation. Parents have the right to see any and all records.
5. Children must be allowed to continue their regular class (the class they are in) until the evaluation is completed. If there is a second evaluation, or an appeal, they must be allowed to remain until it is completed.
6. Based on the evaluation, the Core Evaluation Team must recommend a program for the child. If it is a program other than regular class, the Team must describe conditions under which the child could attend regular class.
7. The Core Evaluation Team must establish a method to evaluate the program to see if it is helping the child.

8. Parents can arrange for a second, independent evaluation if they question the first one.

9. The local school system, in conjunction with the parents, must establish a program for the child immediately after parents agree to the educational plan.

10. If the parents reject the plan, the matter may be appealed to the Bureau of Special Education Appeals, the State Advisory Commission, and if necessary, to the Superior Court.

11. Once the evaluation and appeals process is completed, the school committee still must enroll a child in a regular class if the parents insist — unless the school committee can convince a court otherwise.

12. The Division of Special Education in the state Department of Education is responsible for the quality of special education programs and services in each school system. The Division is mandated by law to meet regularly with the State Advisory Commission to consider all aspects of special education in schools in the state. At least fifty percent of the Commission must be composed of parents who have children enrolled in special education programs.

STEPS IN 766 PROCESS	TIME SCHEDULE
Referral of child for special needs evaluation	
Notice of referral sent to parents	(1) notice sent to parents within 5 days of referral
Pre-evaluation conference for parents and CET chairperson	
Core evaluation team a. assessments b. evaluation c. finding of special needs or of no special needs d. education plan formulation if special needs discovered	(2) assessments, evaluation, finding of special or no special needs within 30 days after date of notice
	(3) notice of educational plan sent to parents within 10 days of completion (4) parents' informal discussion period for thirty days from receipt of plan
Parents' decision a. accept CET findings, recommendations, or b. reject CET findings and resolve differences in informal discussion; or c. postpone your decision for independent evaluation, then make decision; or d. reject CET findings and recommendations	(5) within 15 days after end of the 30 day informal discussion period, parents must decide options (6) if parent decision is for independent evaluation it must be completed within 30 days of request (7) parents then have 30 days from completion of independent evaluation to decide on option (reject or accept plan)
	(8) school committee sends to regional office notice of educational plan rejection or their receipt of rejection within 5 days

(9) Bureau must send notice to parents within 5 days of their receipt of notice from school committee;
(10) parents must return hearing request to Bureau within 15 days of receipt of notice from Bureau

Appeals (optional)

a. Bureau of Special Education Appeals (with optional hearing)
b. State Advisory Committee
c. Superior Court

(11) Bureau must set hearing date within 5 days of receipt of request from parents
(12) hearing must be held within sixty days of Bureau's receipt of request from parent
(13) Bureau decision must be rendered within 30 days of hearing completion;
(14) Bureau decision must be sent to parent within 3 days after it is rendered

(15) parent may appeal decision of Bureau to SAC within 15 days of receipt of Bureau decision
(16) SAC must render decision within 15 days after first meeting following receipt of request for appeal

Delivery of Services

CHAPTER 9

VOCATIONAL EDUCATION

Today, when only 33% of an average high school population enters four year colleges, the public schools are placing an emphasis on vocational education. Types of vocational programs vary across the state, as do the benefits and limitations for students in them.

What is Vocational Education?

Vocational education is education and training for later employment. Vocational programs are geared toward teaching particular skills which train the student in one or more areas.

According to Massachusetts regulations, each vocational education student is required to spend 50% of his or her time learning a trade, 25% of his or her time in related fields or classes, and the other 25% in academic courses. Thus it is obvious that some sacrifice is made: an emphasis on vocational training and skills means less emphasis on academic work. (Because of the lack of emphasis in academic areas, it is difficult for students to transfer out of vocational education into a business or college curriculum at a later time).

Types of Vocational Programs and Schools

Three types of vocational programs exist. Most vocational programs are included in regular high schools, known as comprehensive high schools because they offer business, college, and other programs as well. Second, there are vocational schools which offer only a vocational curriculum designed to train students in specific skills for employment. The third type is the regional vocational school. These high schools are modern facilities which serve several communities at once, taking a limited number of students from each.

Regional vocational schools tend to have modern facilities, up-to-date course offerings, and good job placement rates. The other programs vary greatly in quality, as do the job placement opportunities after graduation.

Course Offerings in Vocational Programs

Course offerings vary throughout the state, depending mainly on whether the program is in a comprehensive or vocational school, or in one of the regional schools.

Boston, for example, offers vocational programs on a cooperative basis at eight comprehensive high schools. Boston Trade High School is the only one that offers only a vocational curriculum. Course offerings in all these schools include the following: electricity, upholstery, cabinet making, refinishing, printing, machine shop, welding, sheet metal, and agriculture. In the past, most of these courses have excluded girls. This is no longer legal.

Since 1968, home economics has been considered vocational education as well. However, in order to qualify for federal aid, home economics must be occupationally oriented. Yet most courses in home economics in the state tend to be far removed from the labor market.

In contrast to the above, the regional vocational schools offer great diversity of courses and skills. In addition to the traditional skills, they offer training in areas of new technology. Also, they provide training in a cluster of skills rather than one particular one. For example, to learn cabinet making, a student will be exposed to mill and house carpentry, electrical wiring, painting, and sheet metal.

What are the Problems in Vocational Education?

Several things should be considered when a student and his or her parents discuss vocational education. One is whether the area or skill which the student chooses is one that will be marketable later. That is, can he or she get a job later based on the training. Some of the vocational programs train students in skills very narrowly, so that they do not have the flexibility to adapt to changes in the labor market later on. For example, a student trained to operate a particular piece of machinery in the field of printing may be unable to adapt or to operate other machines later on, even in the same field.

Another problem is that vocational education does not place great emphasis on academic skills such as reading and writing. While this may seem logical in that it apparently meets the needs of students now, at a later time in life the student may need training in basic skills, especially if he or she wishes to change to another field of work.

A very immediate consideration for students considering vocational programs is that once the choice is made, it is very hard to transfer in a year or two into another curriculum area in high school. This is because vocational programs stress skills that other curriculum areas do not, and vice versa. Thus a student who has been in vocational education for a year will find that he is behind in certain subjects if he or she wants to change to a college or business curriculum. This type problem is not unusual since students generally make their decisions to enter vocational education programs as early as the ninth grade.

In the past, some vocational schools have refused to admit female students. Others admit girls but channel them into "female programs" such as office occupations, home economics, or power stitching. State and federal law now make these practices illegal. Female students cannot be denied admission to any vocational school or program because of their sex. If you believe a school prac-

tices sex discrimination, contact the Massachusetts Commission Against Discrimination (see Chapter on Discrimination by Race and Sex).

Many vocational schools have failed also to provide special education services to physically, mentally, and emotionally handicapped students. This, too, is illegal; the state Special Education law, Chapter 766, applies to vocational programs and schools. (For more information on your rights under this law, see the preceding chapter of this handbook.)

Vocational programs offered in the public schools are governed by the same laws and rules as other public schools and programs. All of the various student rights discussed in this handbook apply equally to vocational schools and students.

Alternatives to Vocational Schools

The student who intends to seek a job immediately after finishing high school is not necessarily limited to attending a vocational school or program. Many of the vocational schools offer evening or two-year-post-graduate programs so the student could finish high school in an academic curriculum and still get some vocational training. The state's community colleges also offer some occupational education programs. There may be some union apprenticeship programs available that do not require several years of vocational education. Any student considering vocational education should investigate each of the alternatives and discuss them with qualified counselors before making a final choice.

Summary

Vocational education programs exist in most high schools, separate vocational schools, and regional vocational schools. These programs offer training in skills for employment upon graduation. While the concept of vocational education is a good one, the programs that exist range from very poor to very good. The programs enable some students to get employment in areas for which they were trained, while other students are unable to find employment upon graduation. Other problems exist in the vocational programs that are offered — problems which should be considered by students and parents before making a decision.

Vocational students surrender none of their legal rights by choosing a vocational school. In particular, disciplinary practices must conform to state law and regulations, discrimination against female students in enrollment or type of training is illegal, and students with special needs are entitled to be enrolled and to receive special education services as well.

CHAPTER 10

TITLE I

What is Title I?

Title I of the 1965 Elementary and Secondary Education Act (ESEA) was passed by the U.S. Congress for the purpose of enabling local districts to overcome education deprivation. Under the law, the federal government can give money to any school district in the country which has ten or more poor children living in it. Depending on the size of the school district this amount can run into millions of dollars, since the money available nationwide is divided on the basis of the number of poor children in each district.

The money made available can be used for a wide variety of programs and services, including such things as clothing, transportation, medical and dental care, books, supplies, extra teachers, eye glasses, hearing aids, food programs, and special learning classes. In fact, the possible uses of the money are almost unlimited as long as the funds are used only for projects which will help educationally deprived children who live in poor communities. Other requirements are that a project must include a system of evaluating its effectiveness (that is, to see if it is really helping educationally deprived children), and that records must be kept which will let the state Department of Education be sure that the law is being followed.

What Is Educational Deprivation?

Many poor children are "educationally deprived," which means that they are behind in school or are having a difficult time learning. Educationally deprived does *not* mean that children are not intelligent. It is only that they have been unable to get full value out of the education which is available to them, or that they have not been offered a full educational opportunity.

This can result from many different circumstances. For example, children may be unable to purchase necessary school supplies which encourage learning. Or children may have had no access to books and other educational materials when they were young, so they have trouble catching up with classmates who had those things. Educationally deprived children might be suffering in school because they cannot afford proper clothing or because they are hungry or because they can't afford carfare and are overly tired from the walk to school every day. Many children are educationally deprived because they live in poor

neighborhoods where the schools themselves are more likely to be "deprived". Some children are told that the kindergardens don't have room for them, so they miss out on important pre-school learning experiences which other children may enjoy.

No matter what the cause of educational deprivation, the result is the same — the children will be unable to benefit from school to the same degree as those children with the same intelligence who don't have to deal with the types of problems mentioned above. Children who are not poor can be educationally deprived, while many poor children are not. Generally, however, schools with the largest numbers of poor children are also those with the highest percentage of educationally deprived children.

Who Can Benefit from Title I?

To determine which children will be able to participate in Title I projects, a school district must first determine which attendance areas have average or higher than average numbers of poor children as compared with the school district as a whole. (Attendance areas usually correspond to schools — the area from which children attend a particular school is an "attendance area.") Attendance areas with a higher than average number of poor children are eligible to receive Title I funds. These are called "target areas" or "target schools."

Once a target school is determined, *all* children who are educationally deprived, regardless of their parents' income, are eligible to participate in Title I programs. If there are more poor children than non-poor children in your child's school *or* if your school district is mostly non-poor but the majority of the poor children are in your child's school, the school should be getting Title I funds. If it is not, ask school officials to explain why. Then double-check the reasons given with the Title I office at the state Department of Education to see if they are valid.

How Does a School Apply for Title I Money?

Once the target areas are determined, the district can apply for Title I funds. The application is usually written by the Superintendent of Schools or his representative. This is supposed to be done in consultation with a "Parent Advisory Council" (PAC). Frequently, the PAC is given only a finished proposal for comments and recommendations. (Parent Advisory Councils and their rights and duties are discussed in greater detail later.) From the PAC the application must go to the school committee for its approval. Then it is sent to the state Title I co-ordinator, or "Project Director" as he is called in Massachusetts. If the Project Director is satisfied that the proposal meets all the requirements of the law, he approves the application and the money will be sent to the local school district.

What is a Parent Advisory Council?

Title I can be much more effective if parents are involved in the program at the local level. Every school district receiving Title I funds is required to set up a Parent Advisory Council to assist in planning, setting up, and evaluating Title I projects. The members of the PAC are your representatives in Title I matters. A majority of the members must be parents of educationally deprived children who live in attendance areas to be served by the project. The school district has

to guarantee in its Title I application that the parents on the council are representative of the children to be served, and of the attendance areas included. This means that the PAC cannot be made up exclusively of rich people from one area of the city whose children happen to attend target schools. Similarly, this means the PAC must include some poor people and parents who can represent the needs and desires of the poor people who will be served by Title I. If it does not, your school district is not complying with the regulations and could lose its Title I money. You can find out who your representative on the Parent Advisory Council is by calling the principal of your school.

What Does the PAC Do?

The Parent Advisory Council is supposed to be involved in *every* step of Title I activity, from planning future programs to evaluating their effectiveness. In order that this can be done, the school district must provide the members of the PAC with all the laws, regulations, and guidelines which apply to Title I programs. The PAC should also have copies of the current application as well as applications for previous programs and evaluations of their success. Plans for future Title I programs are to be given to the PAC, with a description of the planning process which has already taken place. The PAC must also be given any other information which it feels to be important for the planning, development, operation, and evaluation of Title I in the city. Refusal of the schools to release any of this information is illegal.

When they have all the information which they think is needed, the PAC-members can make recommendations about what Title I money should be used for. A large part of their job may be to attach priorities to the various projects having been proposed. For example, the school authorities might want to use Title I money to provide air conditioners. While recognizing that students cannot learn as well in an overly hot classroom, the PAC may feel that an extra reading teacher is needed more than air conditioners. Legally, the PAC can only make recommendations, which do not have to be included in the application for a program. But the application has to be submitted to the PAC before it can be approved and it is often possible, through negotiations, to force the school district to include recommendations which reflect the desires of the PAC. Furthermore, if the school district consistently ignores the advice of the PAC, it is probably in violation of the spirit of the law. After the application has been approved by the school committee, the PAC has another opportunity to retain some control over the town's Title I program. The Parent Advisory Council must have the opportunity to submit comments to the state Department of Education at the same time that the application is filed. These comments must be considered in determining whether or not the application is to be approved. Thus, even if the school district refuses to consider the PAC's recommendations, the PAC can still have a say in the final approval of the application at the state level. This important provision lets parents go over the heads of the local school district to insure that their children are best served by Title I. In such an event, PAC-members should file a written request to meet with state Title I officials in the Department of Education.

The PAC is supposed to be "effectively involved" in the local Title I program. If the school district really permits this involvement, recommendations by the PAC will be included in the Title I application, or at least the application will be

altered in such a way that the interests of parents can still be met. But if the school district ignores or avoids the requirements pertaining to involvement by the Parent Advisory Council, parents do not have an effective voice in Title I. Moreover, the project is probably not fulfilling the needs of the children for whom it was intended. The members of the PAC and all other parents whose children would be served by Title I may consider legal action to force the school to obey the law.

In 1972, the Springfiled PAC got legal assistance to challenge the Springfield School District's refusal to let parents become involved in Title I decisions. The Department of Education conducted a hearing at which it was found that the charges were correct. The school district was ordered to provide the PAC with necessary information and technical assistance, and to involve parents in planning Title I programs. The Department also told the school district that school facilities have to be provided whenever the PAC called a meeting, and that a bilingual interpreter had to be supplied by the schools.

What Rights Do Individual Parents Have?

As a parent, you have additional rights, independent of the PAC. An application for Title I funds must include specific provisions for consulting with parents and informing them of the services to be provided their children. You should know in advance, therefore, exactly what your child is getting as part of a Title I program and how it is supposed to help him or her. Additionally, the schools must tell you what you can do to help your child get the most out of Title I in your school system.

The school district also must guarantee that you have had an opportunity to present your views about a proposed program before the application is submitted. You must be informed of this opportunity, and a time must be set aside for it. This might be done through a special meeting with school officials or through a PAC meeting. Your opinions, as the parent of a child to be served by Title I, must be taken into consideration.

The school district has to set up a procedure for dealing with suggestions and complaints from parents. You should be told who to call if you have problems or questions about the program. Although you should inform your representative on the PAC of any problems, there should be another person who works for the school department who you can call as well. The school has to answer your complaints promptly.

So far, this section has dealt mainly with how Title I is supposed to work. If your program does not include the procedures discussed, it is probably operating illegally. Should this be the case, it is important that you talk to your PAC and other Title I parents to determine the best course of action. You may be able to correct the problem through negotiations with the local school district or the Title I office at the Department of Education. If these fail, however, it might be necessary to sue the school district. An advantage of legal action in the Title I field is that even if you cannot qualify for free legal assistance, some of the parents who are also affected will be able to, because of the income requirements which are used to establish the target areas.

How Could Title I Money be Used Illegally?

Even if the school district follows the procedures discussed above, it still may

be acting illegally because of the ways in which Title I funds are used. The most common illegal uses of Title I money are for "supplanting" and for "general aid".

"Supplanting" is the use of Title I money for something which the children should have anyway. When money is used to supplant, the program can't accomplish what it is designed for — to provide *special* assistance to educationally deprived children. Supplanting can take one of three froms. It can be the use of Title I funds to provide the same thing that local money is providing in another school in the city. For example, if local money pays for an art teacher in some schools, Title I cannot be used to pay for an art teacher in your school. Secondly, the money can't be used to pay for something which the school had before it got Title I (like a school nurse; if local money paid for one before, it should keep on paying for one). Finally, the money is used to supplant if it is used for something that the school could get from some other program, such as school lunches. All of these practices are illegal in that they provide your child educational services which he should be getting anyway. Title I money is for use in *addition* to these other things.

Another method often used by school districts which serves to the detriment of educationally deprived children is the use of Title I money for "general aid." This means that Title I equipment, staff, or programs are being used for non-target schools or children. Legally, Title I money can be used only in low income schools or for children who are educationally deprived. If the money is used to provide a service which benefits all the children in the city it is illegal. It's probably illegal if it's used to provide a service for all the children in one school. Again, your child may be the loser if the money is used for general aid.

Summary

Title I is a federally-funded program to provide for the upgrading of services and programs in educationally deprived schools and school systems. Local school systems in conjunction with Title I Parent Advisory Councils, submit proposals to the state Department of Education for funding in their schools.

Title I is a valuable program. It could address many of the educational problems which have always existed in this country, but it has not yet reached that point. Much of this is due to the fact that it has operated without meaningful input from the parents of the children involved. It is the parents who best know what their children need. Therefore, it is the parents who must insist on their right to help plan and implement Title I programs, and to watchdog the operation of the program after it is started. If parents assume this responsibility, and work to make sure that they are heard, their children may overcome some of the deprivation of educational opportunities which they have experienced in the past.

CHAPTER 11

HIGH SCHOOL EQUIVALENCY CERTIFICATE

School-age students over eighteen or adults can receive the equivalent of a high school diploma even though they dropped out of school before graduating. The "High School Equivalency Certificate" is awarded by the state Department of Education to a person who performs satisfactorily on a series of multiple-choice tests. Possession of the certificate will satisfy the requirement by employers, colleges, and others that applicants have a high school education. Information about taking the tests can be obtained from:

Department of Education
Bureau of Adult Services
182 Tremont St.
Boston, Mass. 02111

Phone: (617) 727-5778

The tests are also given in Spanish. Information about these can be obtained at the same address.

There are two requirements for taking the tests. First, an applicant must have lived in Massachusetts for at least six months before he applies to take the test. Second, the person wishing to take the test must be at least 18 years old and the high school class of which he or she would have been a member must have graduated already. A person can take the test even if (s)he had no formal schooling.

The total cost for the High School Equivalency Certificate is ten dollars. Five dollars of this is for the tests and five dollars for the certificate itself.

Five separate tests must be taken: grammar, social studies, natural science, literature, and math. All the tests are multiple choice. Each test will take about two hours, and it is suggested that no more than three tests be taken in any one day. According to the Bureau of Adult Services, no preparation for the tests is necessary although you might find it helpful to review grammar, spelling, punctuation, and general mathematics. The tests are not too difficult, and persons can repeat them as many times as necessary.

In order to receive a High School Equivalency Certificate you must score at

least 35 on each test and an *average* of 45 on all five tests, for a total of 225. If you don't score well enough on one or more of the tests, you can take them again for a fee of one dollar for each test.

A high school diploma, or its equivalent, is a very important factor in the job market. Because the fee for the examination is relatively small, and because the tests can be taken repeatedly, it is a good idea to try to get a High School Equivalency Certificate.

Summary

Students over eighteen and adults can receive the equivalent of a high school diploma even though they did not complete school. A high school equivalency test can be taken, and a certificate of high school equivalency be gotten if the test is successful.

ISSUES AND PRACTICES

CHAPTER 12

ACCESS TO SCHOOL RECORDS

Every school keeps lengthy files on each student which follow the student from the time he or she is in kindergarten until graduation from high school, and often beyond. Some of the information is necessary in order to assess a child's abilities and needs and to provide an education which is best suited to those needs. Other information is very dangerous to children. Dangerous information includes that which is erroneous or could be used to violate the child's rights. In addition, it is illegal to put some information in a student's files.

School records frequently play a major role in determining a child's future in education and employment. Despite this importance some schools violate state law by excluding parents from viewing and correcting their child's record, thus jeopardizing the child's rights. Because parents and students often are unaware of their rights under the law, these violations go unchallenged.

This chapter discusses nine different aspects of school records:

1. The State and Federal Laws Governing Student Records
2. What Is a Student Record
3. Protecting the Confidentiality of Student Records
4. Access to Records by Students, Parents and Other Persons
5. How Changes Can Be Made in the Record
6. The Appeals Process
7. Special Rules Applying to Special Education
8. Notification to Parents
9. Public Access to Other Types of School Records

State and Federal Laws Governing Student Records

Laws generally come in two parts: statutes and regulations. The statute is the written law passed by the legislature. It usually expresses a general change in the current law, but does not contain the details of how to carry out the required

change. The regulations are these details and carry the same legal force as the statute.

Both Massachusetts and the federal government have recently adopted laws and regulations which protect the rights of students and their parents to see and protect their own records. The Massachusetts statutes governing student records are contained in sections 34A, 34B, 34D, 34E, and 34F of Chapter 71 of the General Laws of Massachusetts. The federal legislation is contained in the Family Educational Rights and Privacy Act of 1974, better known as the Buckley Amendment. The Massachusetts regulations have already been written by the Board of Education, and became effective early in 1975.

The major difference between the state and federal legislation is that the state regulations apply only to public elementary and secondary schools, whereas the federal law includes all institutions which receive federal funding. Most colleges and universities, some private grammar schools and some public schools receive money from the federal government. In general the Massachusetts regulations more thoroughly protect students and parents. Therefore, for those children in the public school systems of Massachusetts, the state regulations are the most effective to use. This chapter will describe the rights of parents and students under the Massachusetts statutes and regulations.

What Is a Student Record

A student record consists of all information kept anywhere in the school system that can identify an individual student. Such a record may not contain the student's name, but if it has information which could be used to identify a specific student it is a student record.

For the purposes of the law, there is one exception to this definition: teachers and other school personnel may keep personal files or notes and other information about students to help them remember things about each student. However these notes may be shared *only* with the student or his or her parents and *no one else*. If such information is shared with anyone else it is no longer a personal file and automatically becomes a student record.

In practice there are no limits on what information some school officials put into a student's file. Practically all files contain a record of the courses a student has taken, grades and date of graduation, transfer, or withdrawal. This basic information is essential to almost any student's record.

But recent reports show that students' files often contain information that is not essential such as IQ tests, personal family information, behavior analyses, personality descriptions, diaries, autobiographies, and delinquency reports. Student reports also have been found to contain such information as *unproved* charges of criminal activity, and negative comments about a student's behavior even though the behavior is perfectly permissible. Gratuitous remarks placed by an uninformed, hostile, or mistaken teacher in a student record can have serious consequences throughout the student's school years, and can haunt the student in later life, when applying for college or a job. Accordingly, it is crucial to make certain the record is accurate and limited to information necessary to provide an education.

The first defense against erroneous information in your child's file is to be careful what information you give school personnel. When you are asked to

complete questionnaires or forms, be certain you understand their purpose. Also, be sure that they ask only the kind of information permitted by the regulations: that which directly is relevant to the educational needs of the student. student.

Your child's record is divided into two parts, the "transcript" and the "temporary record." The transcript may include only the following information: the student's name, address, phone number, and date of birth; the parent's or guardian's name, address and phone number; course titles; grades received; and the grade level and year which the student has completed. The transcript must be kept by the school system sixty years following the student's graduation, transfer or withdrawal.

The temporary record consists of all other information permitted by the law. This information must clearly be of educational importance, and can include such things as standardized test results, class rank, information on participation in school-sponsored extra-curricular activities, and evaluations by teachers and staff. This information is destroyed five years after the student's graduation, transfer, or withdrawal. Students and parents should be notified of the eventual destruction of such materials at the time they leave the school system. If you want to retain some of the materials you should make copies of them before the five year time limit.

Any information in the temporary record can be removed by the principal, if the principal feels that it is erroneous or irrelevant to your child's record. In this case, you must be notified in writing in advance, and given the chance to receive a copy of the material prior to its destruction.

Protecting the Confidentiality of Student Records

All entries in a student record added after February, 1975, must include the name, signature, and position of the person adding information, and the date of entry.

The regulations also require that a permanent log be kept as a part of each student's temporary record. This log must include the name, signature, and position of the person giving out the information and provides a way to keep track of who has seen the record and/or added information to it. If the information is being given to someone other than the student, his or her parents, or certain school personnel, the name and affiliation of the person obtaining the file must be included. The log also must designate the part of the file given out, the purpose for which the record was used, and the date.

Access to Records by Students, Parents and Other Persons

Under the state regulations, parents or guardians have the right to see *any* record or document which the school maintains on their child. In addition, any student, once he/she reaches the age of fourteen, or enters the ninth grade, has all the rights of his or her parent or guardian. Any student, regardless of age, has the right to see his or her transcript.

You can call the school when you want to see your child's record. Or you can submit a request in writing to your child's teacher or principal, saying you would like to review the record. Put the date on such a request and keep one copy for yourself (see Appendix A).

Several factors should be kept in mind when you ask to see the record:

1. The regulations say that parents, guardians, or eligible students who are at least fourteen or have entered ninth grade can see the records at reasonable times. This does *not* mean that the school can set specific dates or times to see records, thereby denying you access at all other times. The law simply means that a parent cannot insist — on a moment's notice — to see records, if that somehow would disrupt school activities. But generally you should be allowed to see the records immediately upon request, and as many times as you want to see them.
2. School teachers or officials cannot make unreasonable delays in giving you access to the file. Your request should be granted in the same day. But under the law, *the school must comply with your request within two days after you make it.*
3. You must be shown *all* records and information regarding your child if you so request. That is, you do not have to state which particular records or information you want. Nor do you have to explain why you want to see them. You have the right to see the entire file at any time, with no questions asked of you.
4. It is *illegal* for school officials to withhold information from you. The student's "file" or records mean *any and all* information maintained on the student anywhere in the school system. For example, if the school keeps records in addition to those maintained in a central file, school officials must let you see them. Of course, you may not know they exist, but once you request your child's records, the law places the responsibility on school officials to tell you about them and to show every one of them to you.
5. You have the right to copy or receive copies of any information in the file. You may copy records by writing down the points that interest or concern you. Or you may request the school to reproduce copies, for which you may be charged a small fee (usually five cents a page), not to exceed the actual cost of reproduction.
6. You must be given as much time as you want to review the file and records. If you do not complete your review you may arrange to come back the next day. In no case should you be "rushed" or denied enough time to examine the file to your own satisfaction.
7. You may request the principal or teacher to explain the meaning of any records which you do not understand fully, or with which you do not agree. On the other hand, school officials cannot simply "interpret" records for you. You have the right to bring a friend or other person of your own choosing along with you to examine the records and help you interpret the data.

In addition to parents and students, certain personnel employed by the local school committee may have access to the record. If the record is needed for the official duties of the personnel, such personnel need not have your prior approval though they must enter their names in the log.

Administrators, teachers, and counselors may have access to a student's record if they are working directly with the student in an administrative, counseling, or diagnostic capacity. Office staff and clerical personnel may have access to the student's record for the purpose of processing information and performing other official duties.

Under no circumstances may a school official reveal information that he or she learns from your child's record without your permission, except under the limited instances discussed below.

Under the present regulations, no third party can look at your child's school record without your specific, informed, and written consent. A third party is anyone who is not an eligible student, parent, guardian, or authorized school official. This group includes police, investigators, reporters, researchers, college placement officials, prospective employers, or any other persons associated with both public and private organizations.

Before anyone else sees your child's record or even is told about it, the school must explain exactly who wants to see it and why. Your permission must be in written form, and covers only that particular person for that particular instance. You also have the right to specify exactly what part of the record you want divulged. Remember, no one can give out personal information about your child if you refuse to give your consent.

There are a few exceptions to the above paragraph. The following people have access to your child's school record without your consent, *but in any case you must be notified prior to the dissemination of the information.*

1. A judge can request or order to see your child's record.
2. School health personnel have access to student medical files without consent but only if it is information which they are allowed to have by law.

In addition, the Superintendent of your school system may give the Department of Education or private researchers statistical data taken from the student records, as long as no individual student can be identified.

How Changes Can Be Made In the Record

Parents and eligible students have the absolute right to add informational comments, data, or other written information to the student record. This information is usually of a clarifying nature, and must be relevant to the educational needs of the student. If you are dissatisfied with the record because some important achievements are not mentioned, or some other significant information is incomplete or left out, a simple addition to a student record may alleviate the problem.

In some cases, you may feel that adding informational comments or explanations will not sufficiently clear up your child's record. In this case, you should arrange a conference with the principal and request that the erroneous material be removed from your child's file. Within a week of the conference, the principal must give you a written decision, stating the reasons he or she reached the decision made.

The Appeal Process

If you are unhappy with any decision concerning your child's record, you may appeal that decision, or any part of it.

If the principal's decision is not satisfactory, you should send a request, in writing, to the superintendent of your school system, to appeal the principal's decision. Within two weeks of your request, the superintendent must review the case and give you his or her decision in writing.

If the superintendent's decision is not satisfactory, you may make a final appeal to the local school committee. The committee must schedule a hearing, within four weeks of your request. At the hearing you have the right to be represented by an attorney or any other person of your choice. You also have the right to cross-examine witnesses, present evidence, and make tapes and other recordings of the hearings. The school committee must give you a written decision within a reasonable amount of time.

Remember to be persistent. Many school officials initially say no to a request because it makes things inconvenient for them. You are entitled to a fair appeal process, so stand firm in your rights if school officials try to dissuade you. Changing erroneous data could make a substantial difference in your child's future.

Special Rules Applying to Special Education

The state Division of Special Education has access without parental consent to the entire student records of all children referred to a Core Evaluation Team (CET) which evaluates school-aged children for special needs. The records must be specifically for the official duties of the CET and you must receive a written notice of the disclosure (not less than ten days or more than thirty days) prior to the access of the record.

The state Special Education Regional Review Board may have access to your child's record if it is in consultation with the CET about your child's placement. The state Review Board and the state Special Education Advisory Commission have access to your child's record if the placement of your child is appealed to them.

As a part of the special education process, a CET may insert material into a student's record. This information cannot be amended or removed until after the CET plan is accepted, or until the special education appeal process is completed. This is the only material for which alteration is restricted.

Notification to Parents

Under the law, school officials are obligated to inform you of your rights regarding student records at least once a year. This notification will usually be sent in a letter. Included in such notification should be a list of all standardized testing and other routine information that will be collected on your child throughout the coming year. The notification must also include information on the general provisions of the regulations and copies of the regulations should be available from your local school.

Public Access to Other Types of School Records

In addition to files for each student, school districts also maintain statistics and other types of information about the overall operation of the district and the schools within it. Included in this data may be such things as statistics about racial composition, test scores, tracks, college admissions for graduating students, drop-outs and suspensions rates, financial data on the school system, and other school records and information. Much of this information is important if parents are to know what is going on in the schools and what type of education students are receiving.

The general public has a legal right to this information. When a school dis-

trict receives federal money for a program (such as Title I), the school is required by law to keep records concerning the ways in which the money is spent and the effects which the program has. These records must be given to people who ask for them so that they can read and copy them. A lot of information which you need may be of this type.

State law also requires that certain records be made available to the public. Whenever a school is required by law to keep certain information, that information is a "public record" and *must* be made available to those who ask to see it. Some things which are public records are: reports of school committee meetings; statistics on the number of children of school age who live in the town, the number enrolled in the various schools and the number of people between sixteen and twenty-one who have not completed sixth grade; information about the racial composition of student bodies; various kinds of financial information; reports on school lunch programs; a report on the condition of the schools; information about special programs such as classes for children with special educational needs and bilingual classes; and any regulations, rules or orders adopted by the school committee or by school district personnel.

As a general rule, remember that you should be able to see *any* record kept by your school system which does not violate the confidentiality of an individual child (personal records) or employee (personnel records). A free society operates on the belief that the public must be able to review the work of public employees whose salaries it pays. As a citizen and taxpayer, you should insist on any information you want pertaining to the public schools.

The major problem with gaining access to school records, however, is not the question of whether parents have a right to get needed information, but in enforcing that right. Many school employees tend to be reluctant to release information about the working of the schools, especially when it reflects poorly on the job that the schools are doing. You may find that lengthy negotiations and threatened or actual legal action is necessary before you will be allowed to see records to which you have a right. You should not become discouraged if this happens, however because these records can provide one of the strongest tools in the fight to bring about a better education for your child. When you understand how the school system functions with regard to a particular problem, and the effect which it has on students, you can effectively challenge policies and procedures which deny your child the best education possible.

Summary

The new Massachusetts regulations clearly define your rights as a parent or student in regard to student records as follows:

1. You have the right to see your child's entire school record upon request, to have it explained, and to have copies of it made for you.
2. You have the right to receive a copy of information in the record before it is destroyed.
3. You have the right to add information and comments to the record, and to request that unsatisfactory portions of the record be altered or removed.
4. You have the right to appeal unsatisfactory decisions made by school officials concerning the record.

5. You have the right to have the information in your record treated confidentially by school officials.

6. You have the right to allow or refuse to allow third parties to view all or any part of the record.

7. You have the right to know which school personnel receive information about your child, when, and why.

8. You have the right to see and receive copies of virtually *any* record maintained by the public schools so long as they do not identify particular students or parents, or pertain to confidential personnel information.

CHAPTER 13

TRACKING

Most parents are unaware that decisions are made daily by school systems which shape their children's future. A very common practice used by public elementary and secondary schools is grouping students according to their presumed abilities. This action is often subtly undertaken without the consent or knowledge of either the parent or child. Through the practice of classifying children according to designated labels, schools arbitrarily offer better education to some children than to others. In reading this chapter, bear in mind the effects of classifying children who are in the developing stages of pre-adolescence and adolescence. This classification, called ability grouping or tracking, may have harmful effects upon your child's educational, psychological, and behavioral development. Hopefully in the near future parental awareness will be widespread enough to pressure school systems into eliminating the tracking system which currently perpetuates social and educational inequality.

What is Tracking?

Through the practice of "ability grouping", children of similar learning abilities are placed in the same classroom or group. Students are usually grouped according to their abilities to learn in required academic subjects, though they may be "mixed" in their elective subjects and courses such as music, art, and gym. Many schools claim that they follow a flexible policy of ability grouping. This means they take into consideration a student who may have advanced ability in Science, while having low ability in English or History. Unfortunately, however, this flexibility is rarely reflected in students' class assignments. Students assigned to low ability English classes, for example, tend to be placed in low ability level courses in History, Math, and Science. Hence the practice of grouping students into courses of study according to their presumed ability to learn grows and develops into an inflexible "tracking" system. The tracking system usually consists of distinctive high and low tracks which may also become the determinants of children's occupational futures.

Parents must be aware of the different meanings of "ability grouping" and "tracking" though in practice they may be the same. Increasing court pressures upon school systems and opposition to tracking have resulted in school

authorities denying that their systems "track" students. Nevertheless, the implications of such a system — be it called "tracking" or "ability grouping" — are frightening in that school authorities can direct children from an early age towards a high track and a white-collar job or a low track and a blue collar position. This practice, referred to as "destiny tracking," is alarming when one considers the disproportionate number of poor and black children in the lower tracks, as well as children from working class families.

The Purpose of Tracking

Presumably "tracking" was designed to aid teachers, who would otherwise be confronted with a classroom of students having diverse and sometimes extreme levels of ability. Schools claim that this practice allows each group of students to progress academically at its own rate and to receive more individualized attention. By separating students according to their abilities to learn and to achieve, tracking resolves the teachers' dilemma. But it does so at the expense of the student. The isolation of children in different ability groups minimizes students' exposure to diverse and enriching social and cultural experiences. (See section, Why Tracking Can Be Bad For Your Child.) Ironically, while purporting to live according to democratic principles, some schools classify students as "superior" and "inferior".

The rationale for tracking is without factual basis. Studies show that being isolated in homogeneously defined groups is not more educationally beneficial to students. So-called high ability level students tend to achieve at similar rates regardless of whether they are placed in a classroom of students with mixed abilities or of the same high ability level. On the other hand, low-ability level students perform markedly better in a mixed classroom, while being negatively affected particularly in terms of self-esteem and stigma in a designated low-level classroom. This, the tracking system not only contradicts the stated purpose of education, but it fails to justify its reason for existence. It is beneficial to no students, while being harmful to many.

How Children Are Tracked

As early as first and second grade children are often placed in tracks both within and outside the classroom unit. They are classified on the basis of standardized aptitude tests and teacher evaluations, then labeled accordingly. Children are assigned to "fast" and "slow" reading groups, which may be called "Pheasants" and "Bluejays" by the teacher. This process becomes more sophisticated as children advance by grade through the school system. At the secondary level, schools assign students to tracks which often are distinguished by different curricula: college, business, general, and vocational education. Alternatively the tracks might be labeled or subdivided as "advanced", "honors", "standard", and "basic".

In secondary schools, standardized aptitude tests continue to be used as a measure of ability to learn and to achieve. These tests are given to students periodically throughout their academic careers and serve to lock students into rigid courses of study. Many schools do not annually evaluate students but merely rely on these periodic tests.

Teacher recommendations are also a determining factor in the classification of students. Children who are already assigned to low-level ability groups have

most to fear since many teachers simply do not like to teach those classes. This problem is aggravated by teacher expectations, which have proved to bear a direct relationship to their students classroom performance. Teachers assigned to teach low-level groups tend to have low expectations of their students' abilities. This sense of low expectation is transmitted to the students. Students taught by adults who believe they are "dumb" accept this attitude themselves, and perform accordingly. Hence, a self-fulfilling prophecy is perpetuated by the tracking system, which labels children as "smart" and "dumb", "superior" and "inferior". Stigmatized and defeated by their inability to excel academically, children in the low ability levels tend to develop negative self-concepts and merely conform to the expectations of the teacher.

Why Tracking Can Be Bad For Your Child

If tracking accurately divided children according to their ability to learn and to achieve, an equal proportion of boys and girls, blacks and whites, rich and poor would be found in all tracks. There is no evidence to indicate that color of skin, sex, or wealth have any relationship to intelligence. Intelligence is equally distributed throughout sexual, class, and racial groups in the population. Yet, studies have shown that there are a disproportionate number of boys, children of lower socio-economic backgrounds, and minority children in the lower tracks of our public school systems. It is obvious therefore that factors other than ability result in a student's assignment to a particular track. Thus the tracking system is not accomplishing its stated goal of separating children according to their ability to learn and to achieve. Most likely it separates children according to past experiences.

Because tracking does not do what it is supposed to do, it is harmful to the educational development of children in several ways:

First, it promotes and perpetuates racial and social isolation during children's most important stages of development.

Second, tracking denies students the opportunity to enrich their lives through exposure to children with diverse social, racial, and cultural backgrounds. Also, it teaches students in "high" tracks to look down upon other students.

Third, tracking results in low self-appreciation and esteem. Children know whether teachers feel they are "intelligent" or "dumb", or "bad". The attitudes and expectations of teachers are transmitted to children, who come to see themselves accordingly. Tracking results in a self-fulfilling prophesy: children treated as though they are smart will be; children of whom little is expected will perform and develop accordingly.

Finally, tracking determines vocational opportunities open to children later in life. Not only job pay but job satisfaction are determined in part by tracking decisions made early in a child's life.

What Can You Do?

Having an awareness of the implications and harmful effects of the tracking system, you should carefully oversee your children's progression in the elementary and secondary schools. First, you should question school authorities about the manner in which your children are "tracked" or assigned to "ability groups". If you are not satisfied with the explanations which you receive, visit the teacher, principal, or guidance counselor. Your visit is not an imposition.

but rather a healthy indication of your interest in your child's welfare. This concern should override all others since your child's psychological and educational development is at stake.

Do not allow yourself to be intimidated, for your child has a right to receive the highest quality of education available to him or her. If he or she is being deprived of a quality education, you have the right and the responsibility to insist that the situation be remedied. If your child is assigned to a class, group, or track which you feel is detrimental to his or her development and well-being, do not hesitate to approach teachers or guidance counselors with your reservations and criticisms. Most importantly, do not under any circumstances allow your child to be transferred to a lower track or to a "special" class until you have thoroughly explored the circumstances with school officials.

Generally, the best way to help your child is to monitor constantly his or her educational program. Question the basis for all decisions. If you are not satisfied, you may seek outside help or advice. If you question the school's assessment, arrange for an independent one. Remember that the school has an obligation to educate your child properly. School personnel should be willing to explain the reason for their decisions, and to let you observe all school activities.

In 1973, the Commonwealth of Massachusetts passed a law regarding school records. This law allows a parent or guardian of a pupil or a pupil aged eighteen years or older the right to inspect at reasonable times academic, scholastic, or any other records concerning such pupil kept or required to be kept. This act empowers you, as parents, to examine any and all of your child's records in school, and to have a more decisive role in determining the options available.

Summary

Tracking or ability grouping is the process of classifying students according to a presumed ability to learn. Tracking begins in the early years and becomes more fixed in secondary school years. Though the purpose of tracking is to help children learn better, evidence indicates that it does no such thing. In fact, tracking has a number of negative effects, both for the "low" and "high" track child. There are several ways that parents can be aware of tracking decisions, and take action to monitor and challenge the role of the school in tracking.

CHAPTER 14

DISCRIMINATION BY RACE AND SEX

As many parents realize, discrimination in public schools is a common occurrence. The purpose of this section is not to describe the ways in which your child may be discriminated against. As a parent you know when your child is being treated unfairly. Instead, this section is intended to acquaint you with some of the ways in which the law tries to protect students from discriminatory treatment. No law can force people to change their attitudes, but the laws described here *can* prevent people from treating others differently because of those attitudes. The laws will work, however, only if the people who are hurt by discriminatory treatment are aware that the laws exist and see that they are enforced.

The Fair Educational Practices Act

Your child can't be refused admission to a school because of his or her race, religion, creed, color, or national origin according to the Massachusetts Fair Educational Practices Act. Nor can a school discriminate in other ways against a student who seeks admission — for example, by preventing him from taking certain classes which other students can take. School action based on one of the factors listed above (race, creed, color, etc.) is illegal discrimination, or an "unfair educational practice" as it is called in the law.

Discrimination, however, cannot be proved *solely* because a student who is refused admission happens to be a minority member. For example, a school district might operate under a policy of requiring students to attend the school closest to their homes. They legally could refuse to admit a student, regardless of his or her race, to a school located in another part of town. On the other hand, a district which uses an open enrollment policy (that is, a student can enroll in any school in the district which has room for him) would be guilty of an "unfair educational practice" if it refused to admit a black student to a school which has room for more students.

The definition of a "person seeking admission" to a school is sometimes stretched to cover a student who is already enrolled if the discrimination is related in some way to the student's initial enrollment. The law also covers students already enrolled if they are prevented from taking certain courses or from enjoying benefits which other students have. Therefore, you should not re-

ject the idea of filing a complaint merely because the discrimination did not occur while your child was seeking admission to school. Instead, you may file a complaint (see below) and let state investigators decide whether the situation is covered by the law.

Discrimination in Vocational Schools

Vocational school students are given better protection than students at other schools under a 1972 change in the law. The change prohibits discrimination by public or private vocational schools because of the sex or age of the student as well as because of the factors listed above.

Even more importantly, however, the law prohibits vocational schools from discriminating against students who are already enrolled rather than just those who are trying to get admitted. Thus, it is an "unfair education practice" for a vocational school, whether public or private, to discriminate against *any* student because of race, religion, creed, color, age, sex, or national origin.

Filing a Complaint

If your son or daughter experiences treatment by a school which you think is discriminatory and which you think might be covered by the law, you should contact the Massachusetts Commission Against Discrimination (MCAD). MCAD offices are located in Boston, New Bedford, Worcester and Springfield. They will help you to file a petition which charges that your son or daughter was subjected to an unfair educational practice. This merely involves signing a statement which describes what happened.

Once a petition has been filed, MCAD will assume complete control of the case; you will have to do nothing except co-operate with their investigators. If, from the investigation, it appears that the school's action was an unfair educational practice, the Commission will negotiate with the school to try to persuade it to stop the unfair treatment. If the school refuses to stop discriminating, MCAD will issue a formal complaint against the school. A hearing will be held, at which the school can be made to co-operate. Otherwise, school officials can be taken to court. This is seldom necessary, however.

Aside from MCAD, you may seek legal help and advice either from a private attorney or from a legal services organization which provides free legal help to persons on a low income. (See separate listing of legal services offices in Appendix C.)

Chapter 622: Access to Equal Educational Opportunity

There are other ways by which a student or parent can fight particular instances of discrimination by the schools. Chapter 622, another Massachusetts law, provides for access to equal educational opportunity. It says that a child cannot be excluded from, or discriminated against in admission to, a public school because of race, color, sex, religion, or national origin. But this law goes further and stipulates that a child cannot be discriminated against in the provision of, or denied the advantages, privileges and courses of study of, a public school. Therefore, the law covers situations which are left unprotected by the Fair Educational Practices Act.

There are several essential aspects of Chapter 622. First, it prohibits discrimination on the basis of sex, a classification which under most circumstances

is not covered by the Fair Educational Practices Act. A ruling which declared sex discrimination illegal took place in 1972, when a federal court decided that a group of girls who had applied to the Latin School in Boston had been unfairly discriminated against because the score required for admission was higher for girls than for boys.

Second, this law prohibits discrimination against students who already are enrolled in addition to those who seek admission. Thus, it is not necessary to show that the discrimination is related solely to school admissions practices. Furthermore, the reference in the law to denial of "advantages" and "privileges" could be applied to cover most types of discrimination by sex and race which occur in the public schools.

In 1975, state regulations for Chapter 622 were issued to identify more clearly the circumstances under which the law would apply. The new regulations specify six basic areas affected by the law. Among the provisions in each of the areas are the following:

(a) School admissions — Race, color, sex, religion, or national origin cannot be a factor when a public school in Massachusetts admits a child. No school can implicitly or explicitly discourage a child from applying based on any of these criteria.

(b) Admission to courses of study — Every course of study at a public school must be made available equally to each student without regard to race, color, sex, religion, or national origin. Neither can course scheduling or course requirements be based on these factors. For example, children of limited English-speaking ability must be offered equal access to courses.

(c) Guidance — Guidance personnel must present educational and career opportunities to students without consideration of race, color, sex, national origin, or religion. Discriminatory tests and materials cannot be administered for guidance purposes. Occupational information in "career day" or related programs must be presented by persons including those of minority groups and both sexes.

(d) Curricula — Public school courses of study, books, and other educational materials must represent in a fair manner persons of various races, nationalities, sexes, and colors and depict their culture, history, and achievements. Equal opportunity must also be provided for all students in physical education courses offered at public schools.

(e) Extra-curricular activities — Public schools which participate or sponsor such activities must not limit student participation on the basis of race, color, sex, religion, or national origin. Schools must take steps to prevent female participation in extra-curricular athletics from decreasing until it can become equal with male participation.

(f) Facilities — Construction of new schools and improvements in old ones should be such that it provides equal facilities for students without respect to the race, color, sex, religion, or national origin of the students.

Chapter 622 empowers the local school committees to enforce the regulations and implement a monitoring system to insure that equal opportunity is available to all students. The school committee and superintendent must provide informa-

tion and training to school personnel to better enable them to further effect equal educational opportunity. The superintendent is designated as a director of the implementation procedures under the new regulations.

At the beginning of each school year, the superintendent must send to parents a notice in the language spoken in the home explaining Chapter 622 and its implications. Also, each year the superintendent must inform all children about Chapter 622 and what it means for them.

Filing a Complaint Under Chapter 622

If you think that your child is not receiving equal educational opportunity under the circumstances listed above, or other situations, you can request a written statement of the reasons for this from your local school committee by writing school committee members through your superintendent. You should also send a copy of your letter to the Bureau of Equal Educational Opportunity, Massachusetts Department of Education, 182 Tremont Street, Boston. The school committee must also send a copy of your request to the Bureau.

The school committee must respond within 30 days to your request for an explanation. The committee must send to the Bureau of Equal Educational Opportunity a copy of its letter to you. The Bureau in this process represents the Department of Education, and can conduct a review of your child's particular problem in obtaining equal opportunity. In this manner, the Department can insure compliance with the law and its regulations.

School committees are instructed to cooperate fully with the reviews so as to promote equal educational opportunity. If a school committee does not comply, then the Bureau is supposed to take whatever action is needed to achieve compliance, including withholding state funds from the committee or referring the matter for legal action to the Office of the Attorney General. However, if none of these actions achieve the equal opportunity to which your child is entitled, you may want to get legal assistance to sue school officials responsible for a discriminatory act. Such a suit could result in the person being ordered to pay money damages to your child, something which is not possible at this time under the Fair Educational Practices Act.

Title IX of the Educational Amendments of 1972

After a three year waiting period, the new regulations for Title IX of the federal Educational Amendments of 1972 finally became effective in July, 1975. Title IX and the new regulations prohibit sex discrimination in federally assisted educational programs and activities.

The areas affected by the regulations include (1) the treatment of students in every respect such as extra-curricular activities, access and participation in courses and school organizations, (2) school admission policies, (3) school athletics, and (4) school hiring practices. Not affected by the law are private undergraduate institutions, public single sex schools, military schools, post-high school social fraternities and sororities, certain national youth organizations, and denominational schools. Specifically affected are all graduate schools and all public undergraduate schools which are coeducational.

The institutions affected must evaluate the steps taken to eliminate discrimination by sex within one year of the date when the regulations went into

effect. If any discrimination is discovered to have occurred during that time, then the institution must take remedial action to correct the violations.

The new regulations require that the institutions develop and employ procedures for filing a complaint in cases where the law is thought to have been violated. However, no clear standards are described for establishing the procedures. In addition, those with complaints are not required by the regulations to use these particular procedures.

School Discrimination and the Constitution

The Fourteenth Amendment to the United States Constitution says that "no state shall deny to any person within its jurisdiction the equal protection of the laws." This means that a governmental body, including a school district or its employees acting in their official capacity, cannot treat one person differently from another person in a similar situation without a rational reason for doing so. Thus, for the school to discriminate against a person because of his or her race, religion, or sex probably is unconstitutional. A finding by a court that discrimination occurred could result in the judge ordering the discriminating person to stop doing so, or to pay money damages, or both.

There is one other state law intended to combat discrimination in the public schools. This is the Massachusetts Racial Imbalance Act. This law is intended to stop school districts from discriminating against an entire group of students by making it illegal to operate schools which have more than fifty percent nonwhite enrollment. Because of its importance, and because it concerns a different kind of discrimination, the Racial Imbalance Act is discussed in a separate chapter.

Summary

Discrimination in the public schools — whether because of race, religion, sex, or national origin — is illegal. Several state laws as well as the Constitution of the United States protect children from discriminatory policies and practices. If you are a student, or the parent of a child, who has been subjected to discrimination, there are specific steps you can take to protect your educational rights.

CHAPTER 15

RACIAL IMBALANCE

Background

In 1964 the state Board of Education set up a committee to determine whether racial imbalance existed in Massachusetts schools, whether it was harmful, and what could be done about it. The committee filed its report the next year, stating that racial imbalance existed in fifty-five schools in four cities (Boston, Springfield, Cambridge and Medford). It also found that imbalance definitely had a harmful effect on the students involved.

The committee found, for example, that racial imbalance encouraged prejudice in children, regardless of their color; that it causes children to have an inaccurate picture of life in a multi-racial community, nation, and world; that it often leads to lower quality educational facilities in the schools which are mostly black; and that it causes serious damage to black children by giving them a distorted image of themselves. (These findings have been confirmed by many other sources.) In addition, the committee recommended ways in which racial imbalance could be eliminated in Massachusetts. It was this report, and the public interest which it aroused, that led to the passage of the Massachusetts Racial Imbalance Law.

The Provisions of the Law

The Racial Imbalance Act says that "racial imbalance" exists whenever more than fifty percent of the students in a public school are non-white. It stipulates that a "racially balanced" school is one where between thirty and fifty percent of the students are non-white. A school evidences "racial isolation" when less than thirty per cent of its pupils are non-white. The Act further designates "exempt schools" as schools for which an entrance examination is required. Under the law, every school committee must tell the state Board of Education how many white and non-white children attend each school. The Board tells the school committees which schools, if any, are racially imbalanced.

When a school committee is told that a school is imbalanced, the committee has to develop a plan which will correct the situation. The law does not specify exactly how school committees must balance their schools. Thus, the cities and towns affected by the law can choose among a wide variety of methods to

achieve the desired results. Among the solutions which have been proposed in the past are the following:

1. Redrawing district boundaries: By redrawing the lines that are used to determine where children living in a particular area goes to school, a school committee could ensure that every school draws students from white and non-white communities. In some cases this is the easiest way to balance schools. But when the city has a large non-white community with many imbalanced schools, some students must travel to get to schools that are racially balanced.

2. Construction of new schools: By building new schools in locations that draw from both white and non-white communities, a new, balanced school can replace an old, imbalanced one. The state will reimburse local school systems up to 75 per cent of the cost of building new schools that help decrease imbalance. However, this plan is slow and expensive, and does not always work.

3. Open enrollment: Students can enroll in any school in the city which has room for them. For example, if black students enroll in white schools, or vice versa, racial imbalance may be decreased. Generally, very few students choose to transfer, however.

4. Controlled transfers: This is similar to open enrollment except that transfers are allowed only when they would help to balance both schools: the one that the student is transferring from and the one he is transferring to.

5. Busing: Busing can be involuntary or voluntary, one-way (non-white children to white schools) or two-way (white children to non-white schools as well). This method initially may be somewhat disruptive to children's routines. It faces opposition from some parents and politicians, although thousands of children safely take the bus every school day. Under the newly amended Racial Imbalance Act, the state will pay all expenses incurred where voluntary busing is instituted to eliminate racial imbalance or racial isolation.

6. Magnet schools: A magnet school is designed to attract students from varied backgrounds. By drawing students from different races, magnet educational facilities can lead to racial balance. The Racial Imbalance Act provides state funding for magnet schools. Local school committees can apply to the Department of Education for state aid. Specific areas for which funds can be allocated include transportation costs, costs incurred with the rising price of offering educational services, and planning and construction costs.

7. METCO: This program has been used in Boston and Springfield to bus black students to predominantly white schools in the suburbs. It is expensive and can serve only a limited number of students. This limitation prevents it from having a more significant effect on alleviating racial imbalance. Under the Racial Imbalance Act, local school committees can participate in a METCO program voluntarily by creating a plan and sending it to the Board of Education for approval. If accepted, the state will pay the tuition and transportation costs involved. The local communities can decide not to accept state funds for the program if they so desire. Any child in a racially imbalanced school can participate in a METCO program. When children are being transported for special education programs under Chapter 766, the state will not pay directly for the transportation costs. In these cases, the school which sends the child for special education services pays for the transportation and is then reimbursed by the state (consult Chapter 8, "Special Education Services").

The Racial Imbalance Act says that for each city and town which it affects, the Board of Education is to administer an Equal Education Improvement Fund. Under this provision, the state will pay into the fund $500 for each child whose transfer helps to decrease racial isolation or imbalance. The Board of Education can use these funds for such purposes as training staff to work in integrated settings, employing additional personnel to increase the educational work force, and for various programs which would improve and expand the curriculum and student services offered in the schools. About one-third of the funds for the programs are earmarked for locally developed services run by parents, school staff, or community groups for a school or school district. The other two-thirds of these funds will support regional programs.

In addition, the Board of Education is authorized by the law to provide help to local school committees in formulating plans to eliminate racial imbalance or isolation. If a school committee does not file a plan based on an option similar to those listed above, then the Board must provide assistance required in developing a suitable plan. (The state law does not permit busing as an option, but a federal court could overrule this limitation). If, within a reasonable time, a school committee has failed to show progress toward eliminating racial imbalance, the state can withhold money to which the city or town would be entitled otherwise.

Rights of Students and Parents Under the Law

The Act says that non-white students in imbalanced schools have the right to transfer to a school within the system where racial isolation exists. A white student in an isolated school similarly can attend any imbalanced school. The goal of the law is to create a movement of students away from schools where their own race predominates to one where there is a significant number of students from another race. The Act says nothing about whether a student can sue a school committee for failure to make progress towards racial balance within a reasonable time. Since the law is written in terms of action by the state Board of Education, it is unclear whether students or parents can sue on the basis of the law. This has not yet been attempted. But a student can still sue on federal, constitutional grounds, as has been done in Boston, rather than on the basis of state law. For example, the court action in Boston brought by black parents against the Boston School Committee resulted in September, 1974, in the beginning of desegregation in that city.

Also, the Racial Imbalance Act does not give your child the legal right to attend a racially balanced school. If there were such a right under the law, a student would be able to sue the school district. The essential effect of the law is to say that black children must be able to go to schools which are racially balanced.

You may have realized, as you read this description of the law, that it does not have a corresponding effect on white students. A school which is all non-white is "racially imbalanced," but one which is all white is not. Thus, even if the law eliminates all racially imbalanced schools, there will still be schools which have no non-white students. The white children in these schools, therefore, will continue to be isolated from the positive effects of association with students of a different race.

Additional Implications of the Act

The Racial Imbalance Act probably will affect only those cities and towns where significant populations of different racial groups are living. Some examples are Boston and Springfield. However, in Boston the law has recently been superseded by a federal court order requiring specific methods to be implemented to eliminate racial imbalance. Similarly, in 1974 in Springfield, the state Supreme Judicial Court ordered that required busing be used to achieve desegregation.

In the years since the original law was passed there has been considerable opposition towards it. Some politicians claimed that the law was "unworkable" — yet no law will work well unless elected officials respect and support it. In 1974, the Massachusetts legislature enacted a repeal of the Racial Imbalance Act. However, Governor Sargent vetoed this measure and promoted new amendments to the law which effectively prevented the state Board of Education from requiring busing as a means to achieve integration.

But the real issue has not been "unworkability." A great deal of the opposition stems from an irrational fear of the idea of non-white children attending school with white ones. Experience has shown that laws alone cannot change the racism which exists. But laws can change the *effects* of that racism by controlling situations where it has its most serious consequences. This is what the Racial Imbalance Act is designed to do.

Summary

The Racial Imbalance Act in Massachusetts requires school systems having more than fifty percent non-white students in a school to take affirmative action to eliminate the imbalance. The Act allows for a variety of ways to end racial imbalance. In recognition that a school committee might try to avoid achieving racial balance in schools, the law empowers the Board of Education to force a school committee to obey the law by withholding state funds. The state Board is responsible for enforcing compliance with the Racial Imbalance Act through court action when necessary.

CHAPTER 16

PREGNANT STUDENTS

The Right to Remain in School

Until 1971 the usual practice of school officials toward pregnant girls was to send them home, with or without home instruction, or to transfer them to an isolated program where they would not be able to continue their regular academic program. When this happened to an 18-year-old senior at North Middlesex Regional High School, however, she decided that she was being treated unfairly and that something should be done. She formally requested the principal of her high school and the members of the school committee to reinstate her. They refused. So she took them to court — and she won.

The judge listened to a number of expert witnesses who said that the health of the girl and her unborn child would not be endangered if she remained in school, and, in fact, that to exclude her could have a bad effect upon the student's and the baby's health. He then said, "It would seem beyond argument that the right to receive a public school education is a basic personal right or liberty." As a result, said the judge, the girl was to be returned to school and allowed to continue with her classes. This case was extremely important because its effect is that a girl in Massachusetts, whether she is married or single, cannot be told to leave school because she is pregnant.

In 1974, the Massachusetts Legislature enacted Chapter 670, a law clarifying the rights of public school students to freedom of expression. This law is important for pregnant students because, along with its other stipulations, it says that a pregnant student cannot be "suspended, expelled, or otherwise disciplined" for being pregnant. However, every parent should check to see if the local school system has agreed to accept the provisions of Chapter 670. If not, a student cannot rely on it for protection, but must depend on other protections considered in this chapter such as the precedent of the court decision.

Some schools have changed their policies towards pregnant students as a result of this decision; others have not done so. The policy of the Boston Public Schools now reads: "It is the policy of the Boston Public Schools to encourage pregnant girls to continue their regular education during pregnancy." Or she can transfer to another school in the city. The same choices should be available to girls in any other school in the state. No teacher or school official can deny

access to, or compel attendance in, any educational program simply because a girl is pregnant. The evidence seems to indicate, however, that in some schools the girl's right to stay in school is not respected. Some school systems are not complying with the law. If your daughter becomes pregnant and is told by her teacher or principal that she cannot stay in school, or must transfer to a special program, there are several things which you and she can do:

1. Make sure that she sees an obstetrician, your private physician, or a clinic, where she can get care for herself and the unborn baby.
2. Get school officials to state in writing the reason your girl is being excluded from school. They *must* do this.
3. Write to the principal and the superintendent. Point out to them that by excluding your daughter from school they are acting illegally, and try to convince them to respect the law in regard to your child. If they refuse to do so, make it clear that you will take further steps to protect your daughter's right to go to school. This may be all that is necessary. If not,
4. Contact a private or legal services lawyer or a parents advocate group. They will help you to convince the school committee that your daughter must be allowed to stay in school.

If no school officials, including the members of the school committee, agree to let your daughter back into school, the lawyer will help you bring them to court. Since a federal court has already said that pregnant girls cannot be excluded, you should have little trouble in winning a similar order. (In fact, the original case makes it unlikely that you will even have to take this step.)

Some schools offer pregnant students a separate program. If you consider this alternative, be certain that the program is taught by certified teachers, provides a full day of instruction, offers all courses provided by the regular school, and provides full academic credit for attendance. Remember that the school officials cannot suggest or compel your daughter's attendance in any alternative program.

Deciding Whether to Remain

Traditionally, school officials have denied pregnant girls their educational rights for two stated reasons: First, they say it is better for other students, and less disruptive to the educational process, if no pregnant students are in class. Second, it is safer for the pregnant girl herself to stay out of school. Both these reasons are without basis in fact.

In regard to the first reason, a number of school systems in the country have, for some time, encouraged pregnant students to remain in school and not lose out on their education. There is not one reported incident of the presence of a pregnant girl being a disruptive factor in the educational process. Nor, for that matter, does their presence serve to "condone" pregnancy; that is, school systems where pregnant girls attend school have no higher incidence of pregnancy than do other school systems.

The second reason — the safety of the student — is without foundation. Both medical authorities and women who themselves have experienced pregnancy understand that pregnant girls can function generally as they did prior to pregnancy. Pregnancy merely necessitates close medical suprevision. Otherwise a normal

pregnant girl can participate in routine activities, including all school classes and events. Moreover, many psychiatrists point out that not only can pregnant girls continue in school, they ought to. Pregnancy may be a form of dropping out of school, an easy way to do so. But pregnant girls need stability and assurance. Activities and experiences — such as school attendance — which provide security and order to her life must be continued.

Actually then, the only reason to keep pregnant girls out of school is to satisfy the arbitrary standards of those who misunderstand pregnancy. Such a practice, however, has no basis — legally, medically, or socially in a public institution. Fortunately, as more pregnant girls remain in school, the embarrassment or stigma caused by those who have no real concern for the girls diminishes. In many schools, students have learned that pregnancy is a normal human process; schools have been enriched by the wholesome, positive courses adopted in response to the presence of pregnant students.

Summary

By law, pregnant girls have the same right to attend school that other students have. No reason exists, legal, medical, or social, for pregnant girls to remain out of school. Except in rare circumstances where the needs of the girl are unusual, she should be encouraged to remain in school. A number of school systems, recognizing that it is in the best interest of both the girls and the community itself, have adopted enlightened responses to school-age pregnancy ranging from family life courses to child care.

CHAPTER 17

DRUGS AND DRUG RESEARCH FOR BEHAVIOR CONTROL

Schools, Drugs, and the Law

In recent years some school systems have participated in giving children psychotropic drugs to control their behavior. Psychotropic drugs affect the mind or brain and central nervous system. Some school systems participated in the use of these drugs for research. Children were given drugs to see what happened to them.

As of September, 1973, it is illegal for any school system to sponsor or permit psychotropic drug research on children. Moreover, schools cannot allow psychotropic drugs to be given to individual children for a medical need without specific approval of the state Commissioner of Public Health in each case.

Dangers of Psychotropic Drugs and Drug Research

Several dangers led the Massachusetts Legislature and the Governor to outlaw drug research on children, and to limit circumstances under which a child can be given psychotropic drugs for a medical reason.

First, most children don't need drugs. Among other things, they need better schools. If school are permitted to drug children as a means of controlling their behavior, there may be little incentive to deal with conditions which cause that behavior.

Second, behavior which some schools find objectionable may be normal and healthy for the child. Some children may "misbehave" or react to boring classes, discriminatory practices, or overly rigid classes. In these circumstances, "disruptive" behavior may be healthy and desirable.

Third, the decision to drug children is arbitrary. Some schools would drug children that are "overactive," others would drug "shy" children, and still other schools would use different criteria. It has not been demonstrated medically that any child needs psychotropic drugs for behavior control. Nor, therefore, have valid criteria been developed to decide whether a child needs drugs. Thus school decisions to drug children could be based on very different criteria — totally unrelated to actual needs of children.

Fourth, many psychotropic drugs are experimental, insofar as their long-term effects upon children are unknown. Others have known, dangerous side-effects:

they can suppress growth, cause convulsions, affect the heart, cause dizziness, blurred vision, constipation, and even psychosis.

Finally, children who do need help should be provided services. Simply drugging a child is not a service because no counseling or help is offered. The child's problems are not being dealt with; they are being suppressed medically.

Your Child and Psychotropic Drugs

For the above reasons, the law forbids schools to engage in or permit psychotropic drug research on children. This prohibition will protect children against the dangers listed in the previous section. Still, for some children — a very small minority — drugs may be necessary to help them function.

If the question arises as to the benefits of psychotropic drugs for your child, consider the following points:

1. Do not let anyone coerce you into drugging your child. For example, no school official can tell you that your child cannot attend school unless he or she is on drugs. Legally, no school official can even suggest the possibility of drugs for your child!

2. If your child is having problems in school, first try to determine why. Do not think automatically that your child is "bad", or that the problem is due to him or her. It may be due to school practices or treatment. First, talk with your child to determine the problem. Second, visit the school to talk with the teacher and principal. Third, you may want to have your child placed in another class or even another school. Or your child may need additional services in addition to regular classroom work, such as counseling.

In short, consider every possibility and alternative before you decide to consider psychotropic drugs. If the problem is not your child, but the way he or she is treated in school, it will be harmful to give drugs to control behavior. Drugs absolutely should be the last resort.

3. Get your child evaluated by competent persons. A thorough evaluation should include a physical examination by a physician, a neurological examination, and an interview with a psychologist or psychiatrist. Because some private physicians over-prescribe psychotropic drugs for children, it is best not to rely upon the diagnosis of only one such person.

If you cannot pay for an evaluation for your child, consult an agency near you for free services. Or you can refer to the Appendix in the back of this book which tells how to get free clinical services for your child. As a general rule, the school department must arrange for an evaluation of any child having difficulties in school.

4. If your child needs drug medication, be certain that drugs are given only *in addition to* clinical or counseling services. Drugs should not be used alone. They only calm a child, but they do not deal with underlying problems.

5. Be certain that your child is under the constant supervision of a medical doctor — an M.D. or a psychiatrist. The dangerous side-effects of the drugs necessitate constant supervision. Also, be certain that it is fully explained to you, in writing, what the drug is, what you should watch for (side-effects), the dangers, and any other information that can affect your child.

6. Do not allow your child to be used in an experiment or for the purpose of

clinical research. Not only is drug research in schools unlawful, but it can be detrimental to children since some research programs do not provide adequate safeguards or real services.

Remember, the great majority of children who have problems at home and school do *not* need drugs. Drugs should be considered a last resort in a very small number of cases. However, because drugs are an "easy answer," some persons will resort to their use inappropriately. Your child's health and safety depend upon your good judgment and protection. Rely upon the advice of competent persons, but make your own decisions — preferably in conjunction with your child.

Summary

Psychotropic drugs, which affect children's minds, have been used in some schools to control behavior. State law now protects children against abuse in this practice. Schools cannot encourage or even allow psychotropic drugs to be given to children unless the state Commissioner of Public Health has approved the drug for medical reasons in each individual case. In addition, the law prohibits public schools from allowing psychotropic drug research on children.

Psychotropic drugs present a number of dangers to children. Such drugs should be used only very rarely, and then with adequate safeguards. If your child is having difficulty at home or school, there are a number of things you can do to help. But drugs are to be considered only as a last resort in extremely unusual circumstances.

GENERAL ROLE OF PARENTS

CHAPTER 18

TEACHER-PARENT RELATIONS*

The Responsibility of School Personnel and Parents

Teachers and other school personnel are there to serve you and your child. Most of them are dedicated to children; unfortunately, some are not. Under any circumstances, you have the right to expect the best possible service and cooperation.

It is important to communicate with your child's teachers. Some teachers may think parents are not interested in their children's education, simply because they do not see or hear from parents. But at the same time teachers often need to try harder to get to know parents. You know your child, and you are as much an "expert" on your child's needs as they are. Try to develop a mutual understanding so that educators can help you in meeting your child's needs and problems.

Contact the teacher whenever you have a question or a problem about school. If you can't go to the school, phone and leave a message for the teacher to return your call when class is over. Or send a note. Usually teachers want to be helpful but if a teacher fails to respond, contact the principal. Don't be worried about being labeled a "troublemaker". Instead, let the teacher know that you want your child to have the best education possible. Remember, you have to work hard to see that your child gets an education; the school system cannot do the job on its own.

Conferences

One way to help the teacher serve your child is through the parent-teacher conference. *You have a right to confer with a teacher at any reasonable time.* The following suggestions will help in preparation for your meeting:

Prepare yourself in advance. Ask your child how he feels about his teacher. Look over his books and schoolwork. Write down your questions so you won't forget them.

* This section, with minor modification, is reprinted with permission from Freedom Through Equality, Inc., *Make the Public Schools work for You: A Handbook for Parents* (3rd edition, 1972). (A handbook for parents of students in the Milwaukee, Wisconsin public schools.)

Make sure the teacher gives you enough time and privacy. The National Education Association says that a good conference will take at least thirty minutes. If you speak a different language and will be more comfortable speaking your own language, bring a friend to translate, or ask the school to supply a translator. If you do not have a baby-sitter, bring your children with you. Be sure that you have enough privacy so that others will not be listening or interrupting.

The teacher should provide the following information:

-Explain your child's report card and test marks.

-Tell you your child's latest math and reading scores.

-Show you copies of your child's books, workbooks, and samples of his school work, and interpret how well your child is progressing.

-Explain the homework policy.

-Tell you what your child should be learning during the year.

-Generally explain the daily routine of the class.

-Discuss any particular problems with your child.

-If the teacher asks you questions about your home life, he or she should explain why this information is needed. Answer only if you believe that the questions are proper.

At the end of the conference be sure that the teacher has told you what he or she promises to do to help your child in school. In turn, you should tell the teacher what you will do to help the child in school and at home. If you think it is a good idea, set up another appointment to see how your child has progressed.

Evaluating Teachers

Do you realize that you have no voice in determining who is hired to teach your child? You have no voice in determining what teachers receive tenure, are removed, or are transferred. Teachers are evaluated only by principals and supervisors, never by parents.

You, too, should be evaluating teachers. You have the right to visit the classroom, individually, or, better yet, as a group, for this purpose. The following questions concerning classroom activity will help you in making an evaluation:

-Do the children seem to know what they are doing and why?

-Does the class seem to be overly-orderly, is it informal enough to promote give-and-take?

-Do the children seem to be wasting their time? Do they look bored and unhappy? Do they show that they dislike the class? Do they treat each other and the teacher with respect?

-Does the teacher treat the children with respect? Is the teacher fair? Does the teacher treat all the children with equal rules, or does he or she accept some things from one child that are not tolerated from another? Does the teacher try to interest the children? Does (s)he create a desire to work, to make school work a pleasure? Is the teacher cheerful, happy, good-natured? Does (s)he have a sense of humor? Does the teacher seem proud to be teaching in this school? Does the teacher welcome visitors?

In addition to visiting the classroom, you should ask your child what he thinks of the teacher, what the class is doing, what the assignments are. Have

him show you his corrected assignments. Listen to what your child says about the teacher. Children know first-hand what the teacher is doing, and their progress, or lack of it, is the best key to the teacher's ability. The following information about your school's teachers is also important:

-Does the teacher help your child to have a good self-image?

-Are the children learning? Are they improving? Is the teacher helping the children to "reach beyond their grasp?"

-Does the teacher give reasonable assignments? Does the teacher set standards? Is the teacher either too strict or too easy? Does the teacher have control over the class? Is classwork and homework regularly corrected?

-Does the teacher compliment the pupils when they do something well? Does the teacher ever send home a note to tell the parents something nice about their child? Does the teacher reach out to the parents, helping them to feel comfortable and wanted? Or do parents find out about problems only after things have progressed to a crisis?

-Is the teacher often tired or ill? Does the teacher allow personal problems to interfere with classroom performance? Are lessons dull and repetitious? Or are they planned inadequately without any goal? Do the children understand what they are supposed to do at home, and can they explain clearly to their parents what is assigned?

You should try to answer each of these questions about your child's teacher. Every one of them will tell you something about the kind of education which your child is getting and whether his or her teacher is doing a good job.

Make sure that your evaluation gets into the hands of other parents, the principal, and perhaps the teacher. If a number of parents are making similar evaluations of the same teacher, whether positive or negative, your case is much stronger.

Principals Run the Show

The principal of each school has the final word on most things in the school. Most decisions affecting your child are either made by him or require his approval.

The school committee gives principals broad responsibilities and powers over the general management, instruction, and discipline of the school; supervision of school buildings, grounds, and properties; direction of teachers and enforcing of the rules of the school committee and the superintendent. Because he has so much power it is important that you evaluate his performance. Such an evaluation should include the following:

-He should be accessible to parents and community groups.

-He should be honest and fair with children, parents, community and staff. He should like and respect children. He should put the children's welfare above everything else. He should have an imaginative approach and be informed about new educational methods.

-He should keep the community regularly informed. He should recruit community people to work in the school and encourage his teachers to develop an understanding and appreciation of the community.

-He should be committed to the idea that parents have the right and capacity to be responsible for their children's education.

-He should encourage parents, groups of parents, and community representatives to observe school activities.

-He should be open to constructive criticism, and responsive to suggestions of parents.

Get to know your principal and make yourself known to him. Find out if he or she is the one you want to be principal of your school.

Summary

The education of children requires the joint cooperation of both school personnel, parents and community groups. The school system cannot educate children on its own initiative. This means that parents and organizations in the community must take responsibility to see that the schools are providing adequate educational programs. It also means that school personnel must be cooperative, open to the involvement and scrutiny of citizens in the community.

Above all, keep in mind that the education of your child — and the general quality of the entire school system — is very much *your* business. Education is too important to be left to professionals. In fact, professionals work for you; they need your help, including your criticism.

That the public must be responsible for helping the schools to function properly and adequately is an idea that is the basis of American education!

CHAPTER 19

PARENTS WORKING TOGETHER TO CHANGE THE SCHOOLS

Why Should Parents Organize?

The main purpose of this handbook has been to tell you what your legal rights are in matters concerning your child's education. Because the rights of children frequently are not respected, this handbook also describes what you can do to make sure that those rights are respected by school officials. Although these rights come from many sources, they all have one thing in common. They represent the *minimum* that you or your child must be allowed by your school system. In no case do they represent the best possible situation in terms of achieving high quality education and completely fair treatment for students.

Sometimes the situation can be improved by a favorable ruling from a judge, or by the passage of a new law. But the most useful and important way to improve your schools is for you and other parents to join together to insist that necessary changes be made. Parents know better than anyone else what needs to be done to make the schools better.

The members of your school committee have been chosen to represent the citizens of your town, including yourself, in the running of the school system. The principals and the teachers are supposed to work for you and for other parents, who pay their salaries with taxes. Many of these people have a deep concern for your children, and for the quality of education available in your schools.

But, for most of them, other concerns are important too. School committee members worry about getting re-elected, and about keeping as much control over the school as possible. Teachers and principals worry about getting promotions (or keeping their jobs), and about doing things in the way to which they are accustomed. Yet what is best for the students will not always be best for the school authorities who make decisions about school policy.

Parents know what their children need from the schools. They know when their children are being treated fairly. When a child benefits from a particular school program, his parents can recognize the improvement. Similarly, they can tell when the child is not being helped or is being hurt by school policies. Because parents can see these things, it is the parents who must work to see that the schools are everything that they can be.

When school practices have a negative effect on your child you may be able to bring about change by meeting and reasoning with the school authorities who are responsible. In many situations, you can help your child by standing up for his rights and insisting that he be treated fairly. This handbook discusses situations where, by yourself, you can challenge a particular school action. But even when these procedures are successful, they often do little to change the schools. Your child may be better off, but other children may continue to be denied their rights.

Furthermore, many issues simply are too broad for one parent to have a significant effect. One parent, no matter how capable, is unlikely to be able to force the schools to hire more bilingual teachers, or to develop a successful method of teaching reading skills to students. These are things which require pressure from large numbers of concerned parents. It's much easier for school officials to say "no" to one parent than it is to ignore the wishes of many. When officials find that it is easier to make the desired changes than to continue to say "no," the schools will get better.

How Can You Organize With Other Parents?

Most organizing begins around one issue which affects large numbers of parents. For example, you may be worried that your child is not receiving a nutritious lunch at school. You must locate other parents who share your concern. Discuss the problem with friends whose children attend the same school. Contact the parents of your children's friends. You may already belong to an organization, such as a church group, where a number of people share your interest but have never spoken out about their feelings.

At some point, it will be necessary to call a meeting of interested people. In addition to calling all of those whom you have identified as being interested, you might want to post notices in your local supermarket or in the neighborhood newspaper. Usually it's possible to find a church which will let you use one of its meeting rooms. If you expect a small group, you can meet in someone's home. The important thing is to make contact with others who share your concern and who believe that the situation can and must be changed.

Once you begin to talk about your problems with the schools, you will discover that there are issues other than the one with which you were originally concerned. You may wish to address several things at once. Issues which can be easily won will give you the self-confidence and encouragement to deal with the more difficult problems.

It will be necessary to develop priorities. Which issues are most important for all parents? Which are most important for different types of parents? Don't concentrate only on those issues which the most powerful members of your group want. The way to have a strong group is to represent *all* the people in the group. If some parents feel that their problems are not being considered, they will be less likely to work for the things which you feel are important. Remember, however, that while you may want to address several issues eventually, the group will operate best if it first sets one goal and then acts to achieve it.

Decide what you want done by the schools. Then gather facts to support your position. This means doing research — a tiring and frustrating job. Use various resources to help gather data. Church groups, community agencies and colleges

can be helpful in supplying information. You may be able to get volunteer college students to help do research (often, they can receive academic credit for this type of work).

Don't believe everything that you read or are told. For example, the school committee may tell you that classes are not over-crowded, when you know that some classes have one teacher for forty students. Or the school committee may plead "lack of money" when the law *requires* a particular service. That is no excuse! Believe what you yourself have seen or know to be true.

Don't rely on one source of information. Compare the practices of your school with the appropriate state education regulations. Make sure that information given to you by school department officials matches that on file with the state Department of Education. Programs which are partially paid for with federal funds require regulations and records at the federal, state and local level; check all three. If a school official tells you one thing, see if another school official gives you the same story. Contradictions and out-right untruths will tell you much about whether there is an official policy or whether school officials simple deal with the problem on a case-by-case basis. Furthermore, it helps you to focus your efforts by allowing you to demand that an official policy be formulated where none exists.

Publicize your concerns and explain what action you want, in order to broaden your support. Once you develop your list of grievances, you must be sure that most parents agree with you or, at least, are not fighting against you. Hold meetings, distribute flyers, encourage other parents to add their grievances to the list. Help them with their problems and they will help you with yours.

Try to get community groups and agencies to support your position. They can provide strength and know-how when the going gets rough. But let them know that you don't want them to take over the leadership of your group but only want them to provide support and advice. If an outside group begins to put conditions on the way that you operate, then you are better off without their involvement.

Figure out in advance who you are going to present with your grievances. Some simple problems can be resolved by the principal, but often you will have to go to the superintendent or the school committee. Even if you know that he doesn't have the power to grant your demands, however, it is often helpful to begin with the principal. You might create unnecessary antagonism if he feels that you have gone over his head to someone with more authority. Furthermore, you might be able to win his support for some of your demands, which will be valuable when you meet with the school committee later.

No matter who you are presenting your grievances to, you must be prepared to make the most out of your meeting. Some basic considerations will help you to avoid unnecessary delays and will contribute to a productive meeting:

1. Take a good-sized group representing a cross-section of parents. If you limit your group to two or three members you will make it easier for school officials to brush you off. You also will run the risk of antagonizing other parents who feel that they were not truly represented.
2. Determine in advance how long your meeting will last. Select a spokesman, plan your presentation, but leave enough time for a reply. You don't want to let school officials avoid a response because of lack of time.

3. Find out in advance who the school will have at the meeting. If they are going to have "experts" present, you will want to have your own experts there as well.

4. It is good to have a tape recorder. If none is available, have a member of your group take minutes. *But insist that the school official put all promises in writing.*

5. If the school official tries to delay responding to your grievances (for example, if he wants time to "study" the matter), give him a time limit within which he must make a decision. Schedule a follow-up appointment before you leave. If you are stalled by the school official, publicize that fact. Let other parents know that the school is using delay tactics.

In very few cases you will win your demands at the first meeting. Most of the time you will find yourselves involved in a series of negotiations. Each side will compromise on some points and stand firm on those which are seen as most important.

During this time you should keep trying to build support for your demands. Maintain close contact with the members of your group, but look for new parents who share your concern and will back you up.

Continue to invite other groups to join with you. The support of "respectable" organizations will add to your own legitimacy and make it harder for school officials to think of your demands as "extreme".

Keep people informed. With major issues, the news media will be valuable to you. But you also must continue to hold meetings or rallies and to distribute flyers telling everyone what is happening. Urge people to attend your meetings with school officials.

Keep pressures on school officials. Don't ever give them a chance to think that you are tiring or that your support is weakening. Once they see that you are absolutely serious in your efforts, they will have to make a real effort to resolve the problems.

Timing is very important. Start off assuming that officials will be reasonable and responsive. If this does not prove to be true, you can resort to strategies which will cause them to be honest and responsive to you.

Finally, and most importantly, do not give up. You won't win all of your efforts right away. If you cannot win a particular issue, come back to it next year. Each victory will mean that some aspect of your child's education has been improved. If parents really care about seeing that improvement, and if they work together to get it, all children in Massachusetts will be able to get an education which is both fair and good.

Summary

Parents, more than anyone else, know what their children need from the public schools. Parents can work together in a number of ways to improve the quality of education in the schools. The effectiveness of your efforts will depend on the way you organize to deal with the problems which you identify. The process of working together to improve the schools involves meetings, setting priorities, building a broader base which includes other parents and community organizations, and planning and implementing your strategy for action. It is a process which requires much time and commitment, but which can result in a better education for your child and others.

APPENDICES

APPENDIX A

Writing to School Officials

An idea repeated throughout this handbook is that you express your concern to school personnel and officials in writing, and keep a copy for yourself. This practice establishes a record of what you say or request, in case any question arises at a later time. Letters, however, should *not* be substituted for meeting with school officials.

When to Write a Letter

Because letters are necessary only in situations that are unusually important, it may not be necessary to write about routine matters. There are times when a phone call or a note sent with your child will be sufficient: you may want the teacher to know your child is not well on a particular day; you may want information about a school event; or, you may want to communicate about some other relatively minor issue. Generally it is not necessary to communicate formally via a letter about such matters.

Letters should be sent, and a copy kept for yourself, whenever the issue of concern is important to your child's educational development. This includes issues that are fairly routine, but about which you feel school personnel may not be cooperative. Examples of times when letters should be written include the following:

-When your child has been disciplined seriously at school, or has been accused of breaking a rule;
-When you feel your child should be getting some educational service he or she presently is not getting;
-When you want to request information about your child's record, or when you want to inspect it;
-When you believe your child is being mistreated;
-When you want to request a meeting or a hearing with school officials about a problem or issue.

In these instances, as well as others, letters help to state your concern clearly, and they establish a formal record in case difficulties or disagreements arise over the matter. Whenever you are in doubt as to whether to write, remember

that it may be better to play safe and do so. It costs almost nothing — and it may help your child.

Letters also should be written after meetings and discussions with school officials. See section on Follow-up below.

Who to Write to

As a general rule, correspond directly with the person involved in the matter of concern to you or your child. Usually this will be the classroom teacher or the principal. If you do not receive a clear or satisfactory response, write to the officials immediately superior to that person.

The school hierarchy usually is the following: teacher, vice principal, principal, area superintendent (in larger cities), superintendent, school committee chairman. Whenever you write to one of these persons, it is a good idea to send a copy of your letter to the next person in order.

Making Copies of Letters

It is essential that you keep one copy of your letter for yourself. This copy verifies what you said and when you said it.

You can make copies in one of three ways: 1) You can write the same letter twice, keeping one copy for yourself, 2) you can buy carbon paper at the drugstore or dimestore, to make several copies, 3) you can copy your letter for .10 to .25 per page on a copy machine in a drugstore or library.

Mailing the Letter

Usually, it is sufficient to keep a copy of your letter for your own records. But in very serious matters, you may want to send your letter certified from the post office. It costs approximately .35 extra to send a letter certified. This helps to prove that you wrote your letter, and establishes the date on which it was mailed. The post office will give you a receipt which you can attach to your own copy of the letter.

Follow-up Letters

Frequently it is necessary to write additional letters unless the problem is resolved immediately to your satisfaction. There are several instances when you should write follow-up letters:

First, when a school official phones you about your letter, and you want to formalize the conversation. Unless you write out the outcome of the conversation it can be forgotten or disputed at a later date. This type letter would start off: "Dear Mr. Doe: This is to verify your call on (date), in which you told me that you would (whatever he said)." Include all relevant information in this letter.

Second, when a school official fails to respond adequately to your letter, and/or when the problem persists: "Dear Mr. Doe: This is to call your attention to our conversation on (date) about my child (name). You promised to (whatever he promised) but so far I have not heard from you. I am asking you again to (whatever you want)." Or, if the person did do something, but it was not fully helpful, write to ask him to address the matter again.

Third, when a school official or teacher does not respond to your letter, or

otherwise refuses to be helpful. In this instance, you can write to the person asking him or her to respond. Otherwise, write to the person's superior: "Dear Mr. Jones: Enclosed is a copy of a letter I sent to Mr. Doe about (problem). To this date I have received no response (or no real help). I am asking you to (whatever you want)."

Finally, whenever you meet with school personnel, follow-up the meeting with a letter: "Dear Mr. Doe: This is to confirm the outcome of our meeting on (date), in which you said (something) (or agreed to do something)." Or, if the meeting was unsuccessful, you can say "Dear Mr. Doe: This is to confirm our meeting on (date) in which you said (whatever he said). I am asking you to (reconsider, or take some other action)." These final letters put on paper the results of the meeting, as well as placing the responsibility upon the school official to take some action.

Sample Letters

You do not need to know the person's name to whom you are writing. You can address your letter: "Dear Principal," "Dear Superintendent," or "Dear School Committee Chairman." However, it is not difficult to get the name, and the address. You can call the school department to ask. The names and business mailing addresses are public information.

The following examples are meant only to give you an idea of what to say. The best letter will be your own, because you can write it about the particular circumstances. If you need assistance, get a friend to help you. Usually, however, you may want to do it yourself.

Example 1: Request to See your Child's Records

November 3, 1975

Principal
Southside Elementary School
111 South Street
North Adams, MA

Dear Mr. Principal:

Last week, I asked Mrs. Doe, the second grade teacher, if I could see my daughter's files. Her name is Maryann Smith.

Mrs. Doe said I could not see the records unless I get special permission from you. Because state law gives parents a clear right to see *all* information on their child, I would appreciate your arranging for me to see the records within the next day or so.

Thank you for your cooperation.

Sincerely,

(Mrs.) T. R. Smith
(Return Address)

Example 2: Child Suspended from School

May 22, 1975

Mr. Keyes, Principal
Central High School
Adams Street
Boston, MA

Dear Mr. Keys:

On May 20, my son Robert came home early from school. He reported that you sent him home indefinitely, for some alleged violation of a school rule.

My understanding of your responsibility is that you cannot send a child home for an unspecified period; you must state whether it is for one day or three, for example. Moreoever, I have been at home the last two days, but you have neither called nor written to me. Today when I called your office, the secretary said you were too busy to talk to me.

I am asking you to put the following information in writing:

1) The specific reason Robert was suspended, including the circumstances, and any known or possible witnesses to the incident.

2) A statement of the length of time for which he was suspended.

3) Why his parents were not notified.

Moreover, I am requesting an immediate hearing before you and the superintendent on this matter. I believe it is unfair to suspend a student without giving him and his parents a chance to hear witnesses, to present their side, and to see how the matter might be resolved in another way.

I assure you of my concern and cooperation. But I insist that this matter be handled fairly and openly.

Sincerely,

Donald Jones

copy: Superintendent

Example 3: Stopping an Illegal Practice

April 12, 1975

Mrs. Oliver, Teacher
Davis Elementary School
Quincy, MA

Dear Mrs. Oliver:

My daughter Nancy is in your class. Only yesterday did I learn that she spends most of her day in a "resource room," instead of her regular class. One of the persons to whom I spoke today said the "resource room" is supposedly for slow or retarded children.

No one ever spoke to me about putting Nancy in such a room. She does well at home, and I do not feel she should be placed in another class than her regular one at school. Since you do, I believe we should talk about this matter.

According to state law and regulations, no child should be placed in such a class unless he or she receives an evaluation from a medical doctor, a psychologist, a teacher, and a nurse or social worker. Because the parents must be involved in this evaluation, I conclude that it was never done.

I am formally requesting you to terminate her placement in the "resource room" until we discuss this matter, and until she receives such an evaluation. When we meet, I want to see all records and information which the school maintains on her.

Sincerely,

Mrs. Tremont
(Return Address)

copy: Principal

Example 4: To Appeal a Decision

November 9, 1975

Director
Division of Nutritional Education
Department of Education
182 Tremont Street
Boston, MA

Dear Sir:

We wish to appeal the decision by the principal of North Junior High School in (name of town), not to let our children get free breakfast and lunch at school. We believe we are eligible, and have filled out the necessary forms.

However, the principal said we are not eligible. He gave no real reason. We tried to reach the superintendent, but could not do so.

We believe the law says children have a right to the meals until their final appeal is heard. But they terminated our children immediately. Their names are Lisa, Timothy, and Irene.

Would you please contact the school so our children can eat. Then, would you please convene a formal hearing on this matter.

Sincerely,

David and Susan O'Brien
(Return Address)

Copy: Superintendent

Example 5: To Get a Special Service

September 10, 1975

Superintendent Paul Jones
Greenfield Heights Public Schools
Greenfield Heights, Mass.

Dear Superintendent Jones:

Last May 6, we requested from the special education administrator a core evaluation for our son Eddy who, we believe, is a special needs child. We never received a response to our request although we understand that Chapter 766 requires an evaluation to take place within 30 days after such a request.

We called the school department many times, and finally an evaluation was scheduled for June 20. The core evaluation team completed its evaluations two weeks later, and determined that Eddy needs specialized tutoring for a learning disability, and psychiatric counseling for related emotional problems. The education plan to provide these services was written and we accepted it in writing.

To date, the school principal and special education administrator have failed to provide the mandated services. Despite our repeated requests for help, they continue to delay provision of this help. The school department is required by law to provide these services, and to do so at once. I am requesting your immediate attention to this matter, including a statement of when Eddy will begin to receive this help. Otherwise, I shall request a meeting for us and our attorney with the school committee in two weeks.

We want to cooperate, but believe that Eddy is our first concern.

Sincerely,

Theresa Williams
(return address)

by certified mail

Example 6: Putting Meeting Agreements in Writing

January 27, 1975

Mr. Tyson, Principal
Allson High School
Springfield, Mass.

Dear Mr. Tyson:

This is to confirm our meeting in your office on January 25, regarding my daughter Sharon. Present at the meeting were you, the counselor, Mrs. Lewis, Sharon and I. We discussed the fact that Sharon had been encouraged to leave school because she is pregnant.

At the meeting, we discussed the federal court decision in Massachusetts in which a school was ordered to reinstate a pregnant student at once, since she had a right to attend. You stated that you would abide by the results of this decision, and Mrs. Lewis said she would give Sharon any additional support she needs. I agreed to drop any planned legal action against you or the school, since Sharon will be allowed to remain in school.

Thank you for your cooperation and help.

Sincerely,

Mrs. Janet Davis
(Return Address)

Summary

Review Points to Keep in Mind:

1. Letters should be written regarding potentially serious matters concerning your child's education.
2. Letters are important because they establish a record about a matter of concern to you. Also, they are harder to "forget" than a conversation.
3. Always keep a copy of the letters you write. This is your verification of what you said, and when you said it.
4. Write letters to the person directly involved in the matter of concern to you. Send a copy to his or her superior.
5. You can mail the letter "certified" from the post office in order to legally establish the date mailed, and the fact you wrote it.
6. Follow-up your letter with phone calls and meetings. Put the results of important conversations and meetings in writing in order to establish agreements (or lack of them).
7. Be as brief as possible, and to the point. Include all relevant information.
   a. Date
   b. Name and address of person to whom you are writing
   c. Child's name, age, and school (if any)
   d. The problem, including names of persons involved.
   e. What you want done by this person.
   f. Your name and address.

APPENDIX B

How To Get Free Evaluations

Several resources in or near your community are available for physical, medical, psychological, and psychiatric evaluations of children. In most private and some public clinics and facilities, you will have to pay a fee unless the charges are covered by insurance or medicaid. On the other hand, no child need go without an evaluation due to lack of money for payment. Numerous clinics provide free and low cost services.

If your child is being evaluated in cooperation with school officials or at their insistence, responsibility for arranging and paying for the evaluation is that of the school system. On the other hand, if you want your child evaluated independently — that is, independent of the school's involvement — you arrange for that yourself. In such instances, the school system still may be required to pay (see chapter on Special Education). In circumstances where you must pay but cannot, you may do one of two things. You can contact private clinics to see if your child can be evaluated free or under some insurance plan including public welfare (medicaid). Or you can have your child evaluated at a public (federal or state) clinic. For physical/medical evaluations, you can go to neighborhood health centers, some hospital clinics, or any public health clinic. For psychological or psychiatric evaluations, go to a mental health clinic or outpatient department of a hospital.

Addresses and phone numbers of clinics near you may be obtained by calling local city agencies, by looking in the telephone book (public facilities are listed under Massachusetts or U.S. Government), or by calling the state Department of Public Health (727-2700 or 482-2912) or state Department of Mental Health (727-5656 or 727-4336) in Boston. You may always call the state Division of Special Education in Boston (727-5770) if you need help in getting your child evaluated.

APPENDIX C

Legal Help

A. Legal Services Projects

These projects are funded by the Office of Economic Opportunity to provide legal assistance to people of low income. To determine whether or not you are eligible, call the office for your area. Unfortunately, not every area has a legal services project

Barnstable and Dukes Counties, Wareham
Legal Services for Cape Cod & Islands, Inc.
138 Winter Street
Hyannis, Mass. 02601
(617) 775-7020

Boston
Boston Legal Assistance Project
27 School Street, 5th floor
Boston, Mass. 02108
(617) 742-8930
(See telephone directory for listing of neighborhood offices)

Cambridge & Somerville
Cambridge-Somerville Legal Services
24 Thorndike Street
Cambridge, Mass. 02141
(617) 776-6704

Fitchburg, Leominister, Gardner, Athol, Winchendon, Westminster, Templeton, Royalston, Phillipston, Lunenberg, Ashburnham
Northern Worcester County Legal Aid Society
455 Main Street
Fitchburg, Mass. 01420
(617) 345-1946

Lowell, Billerica, Chelmsford, Dracut,
Tewksbury, Westford, Dunstable, Tyngsboro
Merrimack Valley Legal Services, Inc.
13 Hurd Street
Lowell, Mass. 01852
(617) 458-1465
346 Amesbury Street
Lawrence, Mass. 01843
(617) 687-1177

Lynn
Neighborhood Legal Services, Inc.
31 Exchange Street
Lynn, Mass. 01901
(617) 599-7730

New Bedford, Dartmouth, Fairhaven, Acushnet
Onboard Legal Services, Inc.
18 S. Water Street
New Bedford, Mass. 02740
(617) 996-8576

Revere and Chelsea
North Suffolk Legal Assistance Association
279 Broadway
Chelsea, Mass. 02151
(617) 289-4427

Hampshire, Hampden, Franklin & Berkshire
Western Massachusetts Legal Services, Inc.
Springfield Office
791 State Street
Springfield, Mass. 01109
(413) 781-7814

Pittsfield Office
33 Pearl Street
Pittsfield, Mass. 01201
(413) 499-1950

Holyoke Office
96 Cabot Street
Holyoke, Mass. 10140
(413) 536-2420

North Adams Office
41 Eagle Street
North Adams, Mass. 01247
(413) 664-4388

Northampton Office
23 Pleasant Street
Northampton, Mass. 01060
(413) 484-4034

Greenfield Office
3 Osgood Street
Greenfield, Mass. 01301
(413) 774-3747

Great Barrington Office
17 Railroad Street
Great Barrington, Mass. 01230
(413) 528-1457

Worcester
Worcester County Legal Services
306 Main Street
Worcester, Mass. 01608
(617) 752-3718

B. Backup Centers

The following two offices are backup centers within the Legal Services Program. They might be able to give you technical help, and can serve as your lawyer in some cases and refer you in others.

Massachusetts Law Reform Institute
2 Park Square
Boston, Massachusetts 02116
(617) 482-0890

Harvard Center for Law & Education
Larsen Hall
14 Appian Way
Cambridge, Massachusetts 02138
(617) 495-4666

C. Civil Liberties Union of Massachusetts (CLUM takes important civil liberties cases. There is no income restriction.)

100 Franklin Street
Boston, Mass. 02110
(617) 426-3325

D. Lawyers' Committee for Civil Rights Under the Law

15 State Street
Boston, Mass. 02109
(617) 523-3130

E. Law school affiliated programs

B.C. Legal Assistance Bureau
21 Lexington Street
Waltham, Mass. 02154
(617) 893-4793

Harvard Legal Aid Bureau
1511 Massachusetts Avenue
Cambridge, Mass. 02139
(617) 495-4408

Note: Persons not eligible for free legal services may consult a private attorney.

APPENDIX D

Statewide Organizations
(Providing Advocacy or Informational Services)

Listed below are statewide organizations with a description of their purposes. You may call them for information, advocacy, or other kinds of assistance. In addition, you can call agencies and organizations in your city or town. Get their names and numbers from the telephone directory, church, library, postman, town selectman, Mayor's office, or personal friends.

A. General Services: Advocacy and Information

Office for Children — a state agency, the Office for Children funds and monitors many programs for children 0-18 years of age. The programs range from day care, foster homes and adoptions, to community programs for mentally and physically handicapped children. The Office provides individual advocacy for children through a special program, Help for Children.

Central Office: 120 Boylston St., Boston (727-8996)
Regional Offices: 1618 Main St., Springfield (736-0321)
1618 Main St., Springfield (413-733-4164)
78 Pleasant St. Worcester, Mas. (791-3136)
639 Mass. Ave., Cambridge, Ma. (492-1572)
279 Boston Rd., Topsfield, Ma. (887-6501)
1001 Watertown St., West Newton, Ma. (965-5770)

Massachusetts Advocacy Center — formerly, this was the Task Force on Children out of School, Inc. It is a public-interest organization that monitors state government programs. Additionally, it provides free services ranging from information on state mental health and education laws and services, to advocacy assistance for individual children. The latter services is for children in school or out, who have special education needs, or who have been excluded from school classes and services. Legal help is provided also.

Central Office: 2 Park Square, Boston (357-8431)

League of Women Voters — a public service association, the League will provide information on education laws now in effect. They have local branches across the state, listed in the telephone directory.

Central Office: 120 Boylston Street, Boston (357-8380)

B. SPECIALIZED SERVICES: ADVOCACY AND INFORMATION

Association for Mentally ill Children (AMIC) — association of parents and professionals

organized to get clinical and educational programs and services for emotionally disturbed and mentally ill children.

Central Office: 120 Boylston, Rm. 338, Boston (482-7362)
Regional Office: 9 Pomeroy Ave., Bolton
5 Arletta Ave., Worcester
11 Walnut Ave., Lexington
30 Congress St., Lawrence
21 Longmeadow Rd., Wellesley
41 Bateman St., Roslindale

Easter Seal Society — the society provides information services for physically handicapped children and adults. The organization has a Child Advocacy Project, for services to and advocacy for individual children, including children with educational problems and needs. Parents of handicapped children may obtain a Rights Handbook from the Society, which deals with the legal rights of handicapped persons in a number of areas including education.

Central Office: 37 Harvard St., Worcester (757-2756)
Regional Office: 14 Somerset St., Boston (227-9605)
25 Chestnut St., Andover (475-1477)
856 Church St., New Bedford (997-1271)
145 State St., Springfield (732-2548)
Child Advocacy Project: 14 Somerset St., Boston (227-9608)

Epilepsy Society of Massachusetts — a non-profit organization that provides medical care, vocational counseling, and child advocacy for school placement. The Society conducts a school alert seminar for all school-age children.

Central Office: 3 Arlington St., Boston (267-4341)
Regional Office: Box 99, Paxton, Mass.

Federation for Children with Special Needs

Central Office: 120 Boylston St. Suite 338 Boston Ma. 02116 (482-2915)

The Center operated by the Federation offers a number of various opportunities and services for parents. They include an extensive resource library with "how to" information, information on Chapter 766, children's literature as well as information on particular disabilities. They also provide information and referral services and support to various parents organizations.

The Federation itself was founded by a number of Massachusetts parent organizations including AMIC, MACLD, MARC,and MSBA. Other groups will be joining. Their parent center offers help to individual parents and also strengthens the "parent power" of the member groups.

Massachusetts Association for the Blind — a private social service organization, the Association provides information and referral services for all blind children. It also has an education program for the deaf, blind, and retarded child.

Central Office: 120 Boylston St., Boston (542-3106)
Regional Office: Worcester (791-8237)
Springfield (734-7343)
Scituate (545-0520)

Massachusetts Association for Children with Learning Disabilities (MCALD) — public service association that provides general information for children with learning disabilities, as well as the following services: referral to evaluation centers, referral to tutors, and parent-professional conferences. There are twenty local chapters in the state.

Central Office: 296 Worcester Road, Framingham (872-6880)

Massachusetts Association for Retarded Citizens (MARC) — a voluntary non-profit association. MARC provides referral services, some counseling, and child advocacy for school placement. It also provides general information on state laws and the rights of

retarded persons, especially on the educational rights of retarded children. Chapters exist throughout the state.

Central Office: 680 Main St., Waltham, (891-7710)

Boston Office: 42 The Fenway, Boston (266-4520)

Massachusetts Parents Association for the Deaf and Hard of Hearing —comprised of parents of children with hearing disabilities, the Association provides information to parents, promotes improved services for children, and publishes a newsletter, "Soundings"

Central Office: 3 Selwyn Road, Peabody (535-2154)

Massachusetts Spinal Bifida Association — a parents group that provides support for parents of children with spinal disorders. The Association conducts monthly seminars, provides counseling, and publishes a newsletter. It also provides a lending service for equipment such as braces and wheelchairs.

Central Office: 90 Hammond St., Cambridge (491-7577)

United Cerebral Palsy Association of Massachusetts (UCP) — a public service association that offers a pre-school program, recreational therapy, and other social services to children with cerebral palsy. The Association provides counseling information on the educational rights and needs of children with cerebral palsy.

Central Office: 30 Wesley St., Newton (969-3214)

APPENDIX E*
State Department of Education
(182 Tremont St., Boston)

1. Board of Education (see Appendix F)

2. Commissioner: Gregory Anrig (727-5700)
   Public Information Office: Terry Zoulus (727-5792)
   A. Office of Regional Education Centers (727-5706)
      Greater Boston (547-7472) 54 Rindge Ave., Cambridge
      Northeast Region (687-3351) 1551 Osgood Rd., N. Andover
      Southeast Region (947-3240) P.O. Box 29, Middleborough
      Springfield Region (734-2167) 2083 Roosevelt Ave., Springfield
      Pittsfield Region (499-0745) 188 South Street, Pittsfield
      Worcester Region (835-6267) Beaman St., W. Boylston

   B. Legal Office: Sandra Lynch (727-5718)
   C. Bureau of Equal Educational Opportunity: Charles Glenn (727-5880)

3. Division of Curriculum and Instruction: Max Bogart (727-5759)
   A. Bureau of Student Services: (727-5754)
   B. Bureau of Curriculum Services: (727-5750)
   C. Bureau of Adult Services: (727-5784)
   D. Bureau of Bilingual Education: (727-8300)

4. Division of Occupational Education: Patrick Weagraff (727-5730)
   B. Bureau of Post-Secondary Education: (727-5738)
   C. Bureau of Special Needs: (727-8143)

5. Division of Special Education: Robert Audette (727-5770)
   182 Tremont Street, Boston, Massachusetts (central office)
   A. Office of the Associate Commissioner (central office)
      Appointments: Bambi Levine, Barbara Keeler (727-5770)
      State Advisory Commission: Hal Gibber (727-5770)
      Policy Issues/Committee: Hal Gibber (727-5770)
      General Information: Bonnie Bluestein (727-5876)
   B. Bureau of Management (central office)
      Director: Terry Bradford (727-5770)
      Assistant Director: Diane Bregoli (727-5876)
      Certification: David Jamieson (727-5440)
      State Review Board: Jessica Weld (727-5440)

C. Bureau of Program Audit and Assistance (central office)
Director: Michael Moriarty (727-5770)
Assistant Director: Judith Riegelhaupt (727-5876)
Assistant Director: Mary McKinnon (727-5876)
766 Project Directors (see #2. A, for addresses)
Greater Boston: Sam Bolognese (547-7476)
Northeast: William Ferris (687-3351)
Southeast: Ben Charland (947-6367)
Springfield: Paul Caouette (734-2167)
Pittsfield: Don Sommer (499-0745)
Worcester: James Fitzpatrick (835-6033)

D. Bureau of Special Education Appeals (central office)
Director: Keith Rawlins (727-8535)
Assistant Director: Carol Kervick (727-8534)
Regional Representatives (see #2. A, for addresses)
Greater Boston: Robert Noonan (547-7472)
Northeast: Dennis McGarth (687-3351)
Southeast: Richard Frigault (947-3240)
Springfield: Richard Salus (734-2167)
Pittsfield: same as for Springfield, above
Worcester: Mary Burch (835-6267)

E. Bureau of Institutional Schools (central office)
Director: Margaret Pyne (727-8329)
Assistant Director: Anne Berry (727-5530)
Asst. Superintendents for 766 Services in Institutions
Fernald School: Donald Anderson (899-4450)
Hogan Center: Bob Browne (774-7105)
Dever School: Bob Browne (823-3150)
Wrentham School: Morris Rubin (384-8146)
Mass. Hospital School: Lorraine Atkin (828-3150)
Monson Hospital: Stathe Moraitis (283-8763)
Belchertown School: John Michael (323-7677)
Gaebler Unit/Met State Hospital: Phillip DiMattia (899-0800)
Rutland Heights Center: Harry Halliday (886-6156)
John T. Berry Center: Jos. LaFrancois (664-3173)
Lakeville Hospital: Angeline Jette (947-1231)
Tewksbury Hospital: Lorene Young (851-7321)

6. Division of School Facilities and Related Services: W. Black (727-8146)
A. Bureau of Nutrition and Food Services: (727-5764)

7. Division of Administration and Personnel: Frederick Williams (727-7950)
A. Bureau of Educational Information Services: (727-5792)

8. Division of Research, Planning, and Evaluation: Leo Turo (727-8497)
A. Bureau of Statistics and Data Services: (727-8477)

* The above listings are not complete. They include, however, the most commonly needed numbers.

APPENDIX F.

Board of Education

John S. Sullivan, 50 Sunset Rock Road, Andover, Ma. 01810
Mary Anne Hardenbergh, 164 Dana Avenue, Hyde Park, Ma. 02136
William P. Densmore, 10 Algonquin Road, Worcester, Ma. 01609
Charles T. Grigsby, 48 Richwood, West Roxbury, Ma. 02132
Evelyn Morash, 62 Putnam Street, East Boston, Ma. 02128
Ramona L. Corriveau, 1421 Plum Tree Road, Springfield, Ma. 01119
Charles Baker, 328 Pakachoag Road, Auburn, Ma. 01501
Jonn Bond, P.O. Box 311, 85 Main Street, North Adams, Ma. 01247
Edward Phillips, N.E. Mutual Life Insurance Co., 501 Boylston St. Boston, Ma. 02117
John W. Green, 71 Manley Street, Brockton, Mass. 02401
Mary Barros, 2 Morgan Terrace, New Bedford, Mass. 02740
Joseph L. Mello, Jr., 12 Bachelder Street, Lowell, Mass. 01852

APPENDIX G

References to Laws and Regulation by Topic

Listed below are references to state and federal laws and regulations for topics covered in this handbook. This list is for the use of attorneys, parents, and child care professionals who wish to read the statutes on the areas covered.

Absences	**M.G.L. c.76 §1, c.119 §39E, c.1023 Act of 1973**
Access to Public Records	**M.G.L. c.66 §10**
Access to Student Records	**M.G.L. c.71 §§34A, 34B, 34D, 34E, 34F** **M.G.L. c.39 §23A**
Attendance Compulsory	**M.G.L. c.76 §§1, 2, 3, 4, 5, 12, 12A** **M.G.L. c.119 §39E** **M.G.L. c.149 §§86, 87**
Bilingual Education	**M.G.L. c.58 §18A (b) (3)** **M.G.L. c.69 §35** **M.G.L. c.71A §§1-9**
Breakfast, school	**M.G.L. c.15 §1G** **42 U.S.C.A. 1773** **7 C.F.R. 220 7 (a)** **7 C.F.R. 245.5.7.8**
Code of Discipline	**M.G.L. c.71 §§37H, 82, 83, 84, 85, 86** **c.670 Acts of 1974**
Compensatory Education	**See Title 1 of the Elementary and Secondary Education Act of 1965**

Corporal Punishment	**M.G.L. c.71 §37G** **c.107 §1 Acts of 1972**
Discipline	**c.71 §37, See Code of Discipline, Corporal Punishment Exclusion**
Discrimination **Sex and Race**	**M.G.L. c.151C §§2, 2A, 3** **M.G.L. c.76 §5** **c.622 §1 Acts of 1971**
Drugs, Research on **Children**	**M.G.L. c.71 §543** **c.817 Acts of 1973**
Exclusion	**M.G.L. c.76 §§5, 16, 17** **M.G.L. c.71 §37** **[(c.47 26th) c.66 10 (1966)]**
Fees School	**M.G.L. c.71 §§48, 49** **M.G.L. c.76 §§6, 12B**
Kindergarten	**Board of Education Regulations for Kindergartens, effective Sept. 1, 1975**
Lunches, School	**M.G.L. c.71 §72** **42 U.S.C.A. 1751-1764** **7 C.F.R. 210.10 and 220.8** **c.548 Acts of 1948 as amended by c.650 %%1-8 Acts of 1969, c.871 §§2, 3, 4 Acts of 1970 and c.1150 Acts of 1973**
Pregnant Students	**M.G.L. c.76 §16, c.71 §84**
Punishment	**See Discipline, Corporal Punishment, Exclusion**
Racial Imbalance	**M.G.L. c.15 §1 et seq.** **M.G.L. c.71 §§37C, 37D, 37I, 37J** **M.G.L. c.76 §12A**
Records	**See Access to Records**
Special Education	**M.G.L. c.71B §1 et seq.** **c.766 Acts of 1972**
Title 1	**20 U.S.C.A. 241 et seq. and** **45 C.F.R. 116.1-116.57**

Transportation	**M.G.L. c.40 §§4, 5 (2);** **M.G.L. c.159A §11A** **M.G.L. c.76 §§1, 6, 8, 14;** **M.G.L. c.71 §§7A, 7B, 10, 16C, 37D, 55B, 68** **M.G.L. c.71B §8** **c.766 Acts of 1972**
Truancy	**M.G.L. c.76 §20** **M.G.L. c.119 §§39E, 39F, 39G, 39H, 39I, 39J**
Attendance Officers	**M.G.L. c.76 §§19, 20** **M.G.L. c.119 §39E**
Vocational Education	**M.G.L. c.74 §§1-18, 20-27, 37A, 54** **M.G.L. c.15 §§1F, 1G** **M.G.L. c.149 §96** **M.G.L. c.19 §14** **M.G.L. c.151C §2A** **c.101 §3 Acts of 1972**